

Washington, Friday, July 24, 1942

The President

EXECUTIVE ORDER 9204

COORDINATION OF FEDERAL ACTIVITIES AFFECTING THE FISHERY INDUSTRY

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December .18, 1941 (55 Stat. 838), and as President of the United States, and for the purpose of developing and assuring sustained production of aquatic food supplies essential to the conduct of the present war, and for the further purpose of coordinating the policies, plans, and programs relating to the war effort that affect the fishery industries and the aquatic food supplies of the United States, its territories, and possessions, it is hereby ordered as follows:

1. The Secretary of the Interior is designated as Fishery Coordinator. The Secretary is authorized to designate an officer of the Department of the Interior as Deputy Fishery Coordinator and to delegate to such Deputy any of the functions, duties, and powers of the Coordinator. For the purposes of this order, the Secretary of the Interior shall designate such part or parts of the Fish and Wildlife Service of the Department of the Interior as he may determine, as the Office of Fishery Coordination.

2. Under the general direction of the Fishery Coordinator and the supervision of the Deputy Fishery Coordinator, the Office of Fishery Coordination shall perform the following-described functions

and duties:

(a) Maintain close liaison with appropriate Federal, interstate, state, and local agencies, and with fishery and allied industries, and obtain currently from them information for the use of appropriate Federal agencies relative to the conservation, production, processing, packing, transportation, marketing, and consumption of fish and other fishery products; and to the construction, procurement, conversion, substitution, replacement and repair of fishery industry facilities. To facilitate this exchange of

information the head of each such Federal agency shall designate a liaison officer who shall be responsible for keeping the Office of Fishery Coordination currently informed on all plans and opera-tions of such agency which may affect the activities enumerated above, except plans or operations of a confidential or secret nature pertaining to the prosecution of the war.

(b) Make specific recommendations to appropriate Federal, interstate, state. and local agencies, and to fishery and allied industries, for the purpose of encouraging coordination of effort and maximum utilization of their services and facilities, all with a view toward insuring an adequate and sustained production and supply to meet the requirements for fish and other fishery products as determined by appropriate Federal war agencies. To this end the Office of Fishery Coordination, with the approval of the Coordinator or Deputy Coordinator, may advise interstate, state, and local agencies regarding conservation practices of the fishery industry; advise appropriate Federal agencies with respect to the materials, equipment, and supplies required by the fishery industry; and advise the War Production Board, when and to the extent requested by the Board, with respect to supply, allocation, and procurement problems of the fishery industry.

3. Subject to the provisions of section 3 of the First War Powers Act, 1941, the Secretary of the Interior may (a) make available for the use of the Office of Fishery Coordination, for the purpose of carrying out the functions and duties prescribed in this order, such statistical, information, fiscal, personnel, and other general services and facilities as are now available within the Department of the Interior or as may be made available to it through other agencies of the Government, and (b), within the limits of available funds, employ for the use of the Office of Fishery Coordination other necessary personnel and make provisions for necessary supplies, facilities, services, and for actual and necessary transporta-

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WAR PRODUCTION BOARD-Con.



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tion, subsistence, and other expenses incidental to the performance of the functions and duties referred to in this

4. This order shall become effective as of the date hereof and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, July 21, 1942.

[F. R. Doc. 42-6998; Filed, July 23, 1942; 10:24 a. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4453]

PART 3-DIGEST OF CEASE AND DESIST ORDERS

UNITED DIATHERMY, INC.

§ 3.6 (t) Advertising falsely or misleadingly — Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure— Safety. In connection with offer, etc., of "United Short Wave Diathermy", or other similar device or apparatus, disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device or apparatus which advertisement represents, directly or through inference, that said device or apparatus (1) is safe or harmless; (2) has any therapeutic value in the treatment of arthritis characterized by infection, bursitis where the condition is acute, sinus trouble in which there is a retention of pus, or any disease or condition involving an acute inflammatory process; (3) constitutes a competent or effective treatment for rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble, or colds, or for the alleviation of pain resulting from any of said disorders or ailments, unless such advertisement is specifically limited to those cases of such disorders or ailments which do not involve acute inflammatory processes; or which advertisement (4) fails to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a trained technician in the use of such diathermy device or apparatus; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Diathermy, Inc., Docket 4453, July 20, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the

20th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, briefs filed herein, and oral arguments by counsel, and the Commission having made its

findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, United Diathermy, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of an electrical device or apparatus designated as "United Short Wave Diathermy," or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement concerning the electrical device or apparatus designated "United Short Wave Diathermy"; or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the electrical device or apparatus designated "United Short Wave Diathermy," which advertisement:

1. Represents, directly or through inference, that said device or apparatus is

- safe or harmless;
 2. Represents, directly or through inference, that said device or apparatus has any therapeutic value in the treatment of arthritis characterized by infection, bursitis where the condition is acute, sinus trouble in which there is a retention of pus, or any disease or condition involving an acute inflammatory process;
- 3. Represents, directly or through inference, that said device or apparatus constitutes a competent or effective treatment for rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble, or colds, or for the alleviation of pain resulting from any of said disorders or ailments, unless such advertisement is specifically limited to those cases of such disorders or ailments which do not involve acute inflammatory processes;

4. Fails to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a trained technician in the use of such diathermy device or apparatus.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 42-7012; Filed, July 23, 1942; 11:01 a. m.]

TITLE 19-CUSTOMS DUTIES Chapter I—Bureau of Customs [T. D. E0087]

PART 8-ARTICLES COMDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 11-SAMPLING, WEIGHING AND TEST-ING OF SUGARS, SIRUFS, AND MOLASSES; ASCERTAINING CLEAN CONTENT OF WOOL AND HAIR; ENTERING, SAMPLING, WEIGH-ING, GAUGING, AND STORING PETROLEUM PRODUCTS

WAREHOUSE WITHDRAWAL OF LEATHER AND MOLASSES

Articles 497 (e) and 697 (b) (3) of the Customs Regulations of 1937 amended to provide for the use of customs Form 7505 (Duty-Paid Warehouse Withdrawal for Consumption) for withdrawals from warehouse for consumption of leather and molasses.

Paragraphs (e) of article 497 and (b) (3) of article 697 of the Customs Regulations of 1937 [§§ 8.90 (d) and 11.5 (b) (3) I are hereby amended by deleting "7506" after "customs Form" and substituting "7505" in each case. (Par. 1530 (c), (g); secs. 1, 624, 46 Stat. 666, 667, 759; 19 U.S. C. 1001,1624)

[SEAL] W. R. JOHNSON, Commissioner of Customs.

Approved: July 20, 1942. JOHN L. SULLIVAN,

Acting Secretary of the Treasury.

]F. R. Doc. 42-7018; Filed, July 23, 1942; 11:20 a. m.]

TITLE 30-MINERAL RESOURCES

Chapter III-Bituminous Coal Division

[Docket No. A-1526]

PART 329-MINIMUM PRICE SCHEDULE DISTRICT No. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 329.24 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Preceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: July 10, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 9

Norn: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK § 329.5 Alphabetical list of code members—Supplement R

Mine index No.	Producer	call£	Ecom	Freight enigin group	Shipping point	Rail- read
1 1022 1 1021 1 1012 1 1017 1 1015 2 1018	Cox, W. R. Gillard, Herman. Hehelmer, George. McCormick, Geldla. Yeung Brothers. Dillingham & Saint (R. O. Dillingham)	Cor No. 3 Short Orchard. Hebelmer No. 9 Yeung Bres. Sugar Creek	9911996	೦೮೮೮೮೮	Beaver Dem Greenville Horton Beaver Dam Browder Empire Mine	IC. IC. IC. IC. IC. IC. IC. IC. IC. IC.

¹ Tho f. c. b. mine prices for each shipped by mine index Nos. 1922, 1921, 1912, 1917, 1915 to any market area in any size group and for any use, including Railread Lementive Fuel, are the came as the prices shown for Basch Creek Cael Company, Beach Creek Mine, Mine Index No. 1, in minimum Price Schedule for District No. 9, for All Shipments Except Truck.

The f. c. b. mine prices for each shipped by Mine Index No. 1908 to any market area in any size group and for any use including Railread Lementive Fuel are the rame as the prices charm for Dawson Daylight Coel Company, Dawson Daylight No. 9 mine, Mine Index No. 19, in Minimum Price Schedule for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area— Supplement T

						_									_				_		_
	Prices and size group Nos.																				
Code member index	Mine index No.	Mine	Seam	1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY Cardwell, Lawson & Rufus Tarence.	1024	Cardwell & Tarence.	Stray .	235	225	215	175	170	160	160	150	140	110	50						120	115
2014,	1025	Ford	No. 6.	230	220	210	200	195	185	185	180	175	160	100						170	165
HANCOCK COUNTY Rice, O. T. & Ben De- Jarnette.	1016	R & D No.	Stray.	205	195	185	175	170	160	160	150	140	110	50						120	115
Dillingham & Saint (R. O. Dillingham). Robinson, R. E.	1018 1019	Sugar Creek. Robinson No. 2.	No. 6 No. 6	•	١.	١.		•	١.	١.	•				•					1	165 115
MUHLENBERG COUNTY Cillard, Herman Young Brothers.	1021 1015	chard.	No.9. No.9.	ı					1				ı	Į.						l	115 115
OHIO COUNTY Cox, W. R	1022 1012 1017 1026	Hoheimer No. 9	No. 9. No. 11 No. 9. No. 9.	- 20	5 19	5 18	5 174 5 174	1170) 160 1160) 160 160)]150)[150	1140	1110	50 50						120 120	115 115 115 115

[F. R. Doc. 42-6972; Filed, July 22, 1942; 11:15 a. m.]

TITLE 32-NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control [Amendment No. XI]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO OTHER AMERICAN REPUBLICS 1

PART 809—SHIPPING PRIORITY RATINGS 2

Section 808.7 Notice permitting movement to port is hereby amended to read as follows:

§ 808.7 Notice permitting movement to port. Notice of tentative freight booking and the Office of Defense Transportation Unit Permit Number permitting shipment to the port of exit (except when merchandise is already at such port, in which event the Unit Permit Number will authorize delivery thereof to the vessel's berth) will be contained in the same document, which will be forwarded to the person designated in the application. The subsequent procedure for delivery of this document to the carrier and actual arrangements for shipment to port of exit shall be as prescribed in appropriate regulations of the Office of Defense Transportation or War Shipping Administration.

Paragraph (a) of § 809.6 Ratings assigned articles and materials under gen-

eral licenses is hereby amended by the assignment of the following new shipping ratings to the following listed commodities.

Schedule "B" No.	Commodity	Shipping rating
1766 4140 4141	Sirups and flavors for beverages. Box shooks, white, ponderosa and sugar pine. Box shooks, southern pine	C B B
4142 4143 4149 5375. 98	Box shooks, hemiock and spruce. Box shooks, gum	B B B B
	cluding plastic brick cement)	В

. Section 809.6 Ratings assigned articles and materials under general licenses is hereby amended by adding the following paragraphs:

(c) When articles and materials under general licenses are moving in transit through the United States in shipments originating ir. Canada, and shipping priority ratings have previously been assigned to such shipment by the Canadian Government, such shipment shall automatically be given the same rating hereunder. In the event that no rating has been assigned to such shipment by the Canadian Government, the merchandise included therein shall have the ratings assigned by paragraph (a) of this section, provided such merchandise is listed therein. If such merchandise is not listed in said § 809.6 (a), a rating of "D" is hereby assigned thereto.

(d) A rating of "D" is hereby assigned to all articles and materials moving under general intransit license from points of origin other than Canada.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR, Colonel, Infantry, Chief, Export Control Branch, Office of Exports.

JULY 21, 1942.

[F. R. Doc. 42-6990; Filed, July 22, 1942; 12:31 p. m.]

Chapter IX—War Production Board

Subchapter A-General Provisions

PART 904—PROCUREMENT [Directive No. 5]

BUILDERS HARDWARE MANUAL FOR THE INSTALLATION OF HARDWARE FOR BUILD-INGS

ADOPTION OF MANUAL

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, and No. 9125 of April 7, 1942, the following policy is prescribed for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, Public Buildings Administration and National Housing Agency.

§ 904.4 Directive No. 5. (a) Reference is made to War Production Board Builders Hardware Manual dated July 15, 1942, as from time to time amended, covering the installation of hardware in buildings.

(b) Said manual shall apply to and shall govern the installation of hardware for the following types and similar types -of buildings constructed by, or the construction of which is financed by, any such Departments or Agencies, the contracts for which are placed after October 15, 1942, in case of the Army, the Navy, or the Maritime Commission, and after August 15, 1942, in the case of the other Agencies named above: Part I Public Type Buildings including Administrative, Office, and Monumental Buildings; Auditorium and Recreation Buildings; Communications Buildings; Dormitories and Nurses' Homes; Education Buildings and Laboratories; Hospital, Dispensary, and Infirmary Buildings; and Waterworks, and Sewage Disposal Plant Buildings: Part II Residential Housing, Part III . Cantonments and Similar Type Buildings: Part IV Industrial Type Buildings and Buildings for Army and Navy Bases Other Than Previously Covered in Part III including Assembly Explosive Load-ing, Packing, Screening, Detonator Loading, Pelleting, Magazine, Powder Buildings, Blending Mixing Buildings Tracer and High Explosive Press Loading Build-ings, Tracer Igniter and Incendiary Buildings Melting and Pouring Buildings, Drilling and Thread Cleaning Buildings, Percussion Element Line Buildings, Pre-

¹⁷ F.R. 5267.

²⁷ F.R. 5268, 5344.

¹7 F.R. 329.

²7 F.R. 2719.

liminary Dry Houses, Change Buildings; Ordnance and Factory Buildings, Power House, Warehouses, Fire House, Pump House, and Shipping Room Buildings; Office, Administration, Instruction, First Aid Buildings, Guard Houses, etc.; Officer's Quarters; and Cafeterial Buildings.

(c) Authority to depart from the provisions of this Directive may, upon specific request, be granted by the Director General for Operations of the War Production Board, or by such person or persons as he may designate for this purpose.

Issued this 23rd day of July 1942. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527, E.O. 9125, April 7, 1942, 7 F.R. 2719; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2d sess., W.P.B. Reg. No. 1, Jan 26, 1942, 7 F.R. 561, as amended Mar. 14, 1942 and July 9, 1942, 7 F.R. 5395)

Donald M. Nelson, Chairman.

[F. R. Doc. 42-7034; Filed, July 23, 1942; 11:46 a. m.]

Subchapter B-Director General for Operations

PART 962—ÎRON AND STEEL
[Amendment 6 to Supplementary Order
M-21-b]

WAREHOUSES AND DEALERS

· Paragraph (d) of Supplementary Order M-21-b (§ 962.3 ¹) is hereby amended to read as follows:

(d) Limitations on deliveries by warehouses and dealers. (1) Except as hereinafter provided, deliveries of all steel and iron products by a warehouse or dealer shall be subject to the same restrictions as those imposed by any order of the Director General for Operations on deliveries of such products by a producer. In addition, except as provided below, on and after August 1, 1942, no warehouse or dealer shall deliver steel or iron products except on an order bearing a preference rating of A-1-a or higher which has been duly assigned pursuant to regulations, orders, or certificates: Provided, however, That

(i) A warehouse or dealer may deliver steel or iron products on orders for essential repair or maintenance purposes on ratings lower than A-1-a when such orders are properly rated according to authority granted to the purchaser by the Director General for Operations: Provided, That deliveries of the following types of steel or iron products in this manner by any warehouse or dealer during any calendar quarter do not exceed the indicated percentage of the total quarterly quota of such warehouse or dealer for such type of products:

Stainless steel products 3
Tool steel products 3
Other alloy steel products 3
All other steel or iron products 5

(ii) A warehouse or dealer may deliver flat rolled steel products which were received by the warehouse or dealer as material below prime grade on an order bearing a preference rating of A-3 or higher which has been duly assigned pursuant to regulations, orders, or certificates.

(iii) A warehouse or dealer may deliver cast iron soil pipe in sizes larger than 4" nominal I. D. and cast iron culvert pipe only on an order hearing a preference rating of A-10 or higher which has been duly assigned pursuant to regulations, orders, or certificates.

(iv) A warehouse or dealer may deliver nails, bale ties, black or galvanized welded pipe up to and including 3½.

O. D. standard pipe size, merchant quality fence wire, woven wire fence, poultry netting, barbed wire, staples, fence posts, gates, steel roofing and siding, and cast iron soil pipe up to and including 4" nominal I. D. on lower rated or unrated orders, except as restricted by any other Order of the Director General for Operations

(2) No warehouse or dealer shall make a delivery to any one customer to one destination at any one time from warehouse stock in quantities representing a minimum carload or more except with the specific approval of the War Production Board unless such carload contains ten or more different items, each item to be of a specific quality, length, and cross-section, and no item of which shall weigh more than 8,000 pounds: Provided, however, That the provisions of this paragraph (d) (2) do not apply to deliveries of oil well casing, oil well drill pipe, oil well tubing and oil well line pipe.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7001; Filed, July 23, 1942; 10:17 a. m.]

Part 978—Utilities: Maintenance, Repair and Supplies

[Supplementary Preference Rating Order P-46a]

SERVICE CONNECTIONS

In accordance with the provisions of § 978.1 Preference Rating Order P-46, as amended, which the following order supplements;

§ 978.2 Supplementary Preference Rating Order P-46a. The provisions of paragraph (f) (3) (ii) (b) of Preference Rating Order P-46 amended shall not apply to service connections made by producers to facilities of the Army or Navy of the United States or the Maritime Commission, upon the direct order of the Army, Navy, or Maritime Commission.

sion: Provided, That the total length of the main extension or the service line does not exceed 250 feet, and the total cost of materials required for the extension does not exceed \$1,500 in the case of underground construction and \$500 in the case of other jobs. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Dcc. 42-7007; Filed, July 23, 1942;

PART 1068—CANS MADE OF TIMPLATE OR TERMEPLATE

10:18 a. m.]

[Supplementary Order M-81-b 1]

LUBRICATING OIL

§ 1068.3 Supplementary Order M-81-b. Notwithstanding the provisions of § 1068.1 Conservation Order M-81, as amended, which this order supplements, and until September 30, 1942, any can manufacturer may manufacture, and any canner may buy, accept delivery of, and use for packing lubricating oil, 1-qt., 5-qt., or larger cans made in whole or in part of terneplate; provided that no sheets of terneplate which were not in the possession of the can manufacturer on or before February 11, 1942, shall be used in the manufacture of such cans. A canner's terneplate quota from the date of issuance of this supplementary order until September 30, 1942, for packing lubricating oil, is hereby fixed at 10 percent of the area of tinplate, terneplate, and blackplate which was required for the manufacture of cans made of such materials and used by him for this purpose during the calendar year 1940. No cans for packing lubricating oil, made of terneplate or any other metal, shall be manufactured, sold, or used for packing lubricating oil after September 30, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMONY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7002; Filed, July 23, 1942; 10:17 a, m.]

PART 1075—CONSTRUCTION

[Amendment 2 to Concervation Order L-41]

Section 1075.1 Conservation Order L-412 is hereby amended in the following respects.

- 1. Paragraph (b) is amended to read as follows:
- (b) Prohibited construction. No person shall begin construction, or order,

¹6 FR. 4587, 5255, 5995, 6736; **7** FR. 1626, 8324, 3881.

¹6 F.R. 4784, 4866, 4921, 5008, 6041, 6649, 5995, 6373; 7 F.R. 2348, 4699, 5272.

¹7 P.R. 4836, 5272.

^{*7} P.R. 2730, 3712, 3774, 4326.

purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to begin construction, unless the construction is within one of the following classes:

(1) The construction is to be the property of the Army or Navy of the United States, the United States Maritime Commission, Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority. or the Office of Scientific Research and Development.

(2) The construction consists of any building, structure or project which is used directly in the discovery, development or depletion of mineral deposits.

(3) The construction is of a type subject to the provisions of any order in the M-68 series (Part 1047) relating to the production and distribution of petroleum. Any such construction is permitted only to the extent authorized by the applicable order in the M-68 series.

(4) The construction is of telephone facilities or equipment, other than buildings, and is authorized or permitted under the terms of Conservation Order

L-50 (§ 1095.1).

- (5) The construction is of facilities, other than buildings, to be owned by a producer as defined in Preference Rating Order P-46 (§ 978.1) pertaining to utilities and is to be used directly in providing one or more of the services set forth in paragraph (a) (1) of said order.
- (6) The construction is of irrigation ditches and no materials except earth or other unprocessed material and drain tile made of burned clay tile, not more than 12 inches in diameter and without bell joints, are incorporated.

(7) The construction can be completed with materials which are either on hand or can be obtained without making application for priorities assistance,

and

(i) The construction is residential and the estimated cost is less, than five hundred dollars, or

(ii) The construction is agricultural and the estimated cost is less than one thousand dollars, or

(iii) The construction is other restricted construction and the estimated cost is less than five thousand dollars, or

(iv) The construction is to reconstruct or restore residential construction damaged or destroyed after December 31. 1941, by fire, flood, tornado, earthquake, act of God, or the public enemy.

(8) The construction is to reconstruct or restore other restricted construction damaged or destroyed after the date of issuance of this amendment by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or to protect public health or safety; provided that within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (i) the cause of the damage or destruction, (ii) the function of the building, structure or project which has been damaged or destroyed, (iii) the type of construction, (iv) why immediate reconstruction or restoration is necessary, and (v) the estimated cost of reconstruction: and provided further, that within two weeks of the giving of such telegraphic notice, application for authorization to begin construction is filed in accordance with the provisions of paragraph (f) of this section.

Nothing contained in this subparagraph (8) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph (8). and the Director General for Operations may at any time either order said construction to cease or require any modification thereof that seems to him to be proper.

(9) The construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board by the issuance of

(i) One of the Preference Rating Orders or Certificates listed on Schedule A attached hereto, as that Schedule may be amended from time to time, according priorities assistance to the construction;

(ii) An order specifically authorizing the construction.

Provided, however, That the exceptions set forth in paragraphs (b) (7) (i), (b) (7) (ii), and (b) (7) (iii) shall not be construed to authorize separate or successive construction operations the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular building, structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (9).

2. Schedule A is hereby amended by striking out:

P-46 Certain types of utilities See order construction.

(P.D. Reg. 1, as amended, 6 FR. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July, 1942.

AMORY HOUGHTON, Director General for Operations. [F. R. Doc. 42-6999; Filed, July 23, 1942; 10:17 a. m.],

PART 1100-ANTI-FREEZE

[Amendment 1 to General Limitation Order L-51]

ALCOHOL

Section 1100.1 (General Limitation Order L-511) is hereby amended by the addition of a paragraph lettered (i) as

(i) Exemption from general inventory restrictions. The restrictions on inventories provided by Priorities Regulation No. 1 (§ 944.14) shall not be applicable to anti-freeze manufactured from alcohol; provided, however, that no person shall knowingly make, and no person shall accept, delivery of such anti-freeze if the inventory of the person accepting delivery is or will by virtue of such acceptance become, in excess of the quantity required, whether for own use or resale, for the season April 1, 1942, to March 31, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942,

AMORY HOUGHTON. Director General for Operations.

[F. R. Doc. 42-7000; Filed, July 23, 1942; 10:17 a. m.]

PART 1169-MAHOGANY AND PHILIPPINE MAHOGANY

[Amendment 1 to General Conservation Order M-122]

Paragraph (b) of § 1169.1 (General Conservation Order M-1221) is hereby amended in the following respects:

By adding after subparagraph (3) thereof the following new subparagraph:

(4) Orders placed by dealers for waruse mahogany and war-use Philippine mahogany to replace an equal number of board feet of war-use mahogany and waruse Philippine mahogany delivered subsequent to May 26, 1942 or hereafter for the uses specified in paragraph (d), subparagraph (2) of this order: Provided, however, That such orders are not for the replacement of FAS wormy, N.O. wormy or No. 1 common (N) wormy with FAS and selects, and that such order bears a certification in the following form signed by a responsible official of the dealer placing the purchase order:

All war-use mahogany and war-use Philippine mahogany covered by this purchase o'der is ordered for the purpose of replacing an equal number of board feet of war-use mahogany and war-use Philippine mahogany delivered subsequent to May 26, 1942 for the uses specified in paragraph (d), subparagraph (2) of General Conservation Order M-122, and such replacement lumber will be delivered only for those specific purposes.

Name ----- By: ------Date

War-use mahogany and war-use Philippine mahogany replaced in dealers' stocks pursuant to the provisions of this paragraph (b), subparagraph (4) shall be delivered only for the purposes specified in paragraph (d), subparagraph (2) of this order.

By renumbering subparagraph (4) as subparagraph (5).

¹⁷ F.R. 3573.

¹7 F.R. 3931, 4481.

(P.D. Reg. 1, as amended, 6 FR. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42–7003; Filed, July 23, 1942; 10:17 a. m.]

PART 1177-SPICES

[Interpretation 1 of Conservation Order M-127]

The following interpretation is hereby issued by the Director General for Operations with respect to § 1177.1 Conservation Order M-127²:

Order M-127 controls the distribution of each of certain designated spices by placing quantitative quotas on certain persons' deliveries or use of that spice in any form. A quantity of a spice in dry form (unground or ground) weighs considerably more than the same quantity of that spice after it has been processed by distillation or extraction into another form. This has raised a question as to the computation and application of quotas involving more than one form of the same spice.

Order M-127 is interpreted as requiring that, in such cases, quotas be computed and applied on the basis of a common weight equivalent. A person whose quota is computed as a certain number of pounds of a dry spice is not entitled to the same number of pounds of the same spice in distilled or extracted form. He is entitled to only the number of pounds of the distilled or extracted spice which is produced from the number of pounds of the dry spice representing his quota. Similarly, a person whose quota is computed as a certain number of pounds of a distilled or extracted spice is entitled to the amount of the same spice in dry form which would yield the number of pounds of distilled or extracted spice representing his quota. The same principle of equivalents applies where a quota represents previous deliveries or use of a spice in several forms or is to be applied to a spice in several forms. For example, 100 pounds of dry cloves, when distilled, normally yields 16 pounds of oil of cloves. In such case, a person whose quota is computed as 100 pounds of dry cloves is entitled to make up that quota with 100 pounds of dry cloves, with 16 pounds of oil of cloves, or with any combination of both in which each pound of oil of cloves substitutes for 61/4 pounds of dry cloves. Similarly, assuming the 100-16 yield ratio, a person whose quota is, for example, 16 pounds of oil of cloves or a person whose quota is, for example, 50 pounds of dry cloves and 8 pounds of oil of cloves would have the same options in making up his quota.

Spices are produced from certain portions of plants and trees. Different por-

tions of the same plant or tree may yield different products that are sold under somewhat similar names. This has raised the question as to which of several products from the same plant or tree are spices for the purposes of Order M-127. The spices now subject to the order, by virtue of Supplementary Order No. M-127-a, as amended, are the products, or derivatives thereof, produced from the portions of the plants or trees indicated below:

Pepper (black, white), from the berry of the plant Piper nigrum L.

Pimento (allspice), from the fruit of the tree Pimenta officinalis Lindl.

Cassia (cinnamon), from the bark of the tree Cinnamonum zeylanicum Nees or C. cassia (L.) Blume.

Cloves, from the flower bud of the tree Caryophyllus aromaticus L.

Ginger, from the root of the plant Zingiber officinale Roscoe.

Nutmeg, from the seed kernel of the fruit of the tree Myristica fragrans Houtt.

Mace, from the covering directly surrounding the seed kernel of the fruit

of the tree Myristica fragrans Houtt.

(P.D. Reg. 1, as amended, 6 F.R. 6620; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON,
Director General for Operations.
[F. R. Doc. 42-7008; Filed, July 23, 1942;
10:18 a. m.]

PART 1218-QUARTZ CRYSTALS

[Amendment 1 of General Concervation Order M-146]

Section 1218.1 (General Conservation Order M-1461) is hereby amended as follows:

By adding the following subparagraphs under paragraph (g):

(5) Radio oscillators and filters and optical parts to be used in the replacement of parts which are defective, cracked, or broken, provided the equipment or instruments requiring such parts are implements of war or are needed solely in activities directly connected with defense, public health, welfare, or security.

(6) Radio oscillators and filters to be exported to any foreign country for use in radio systems owned, used, and operated by a governmental department or agency of such foreign country or for use by a commercial airline operating in such foreign country;

By adding the following sentence after the quotation marks appearing at the end of the certificate form in said paragraph (g) to-wit:

Provided, however, No such certificate shall be required in the case of purchases or transfers for use in implements of war where the purchaser or transferee is the United States or one of its departments or agencies, or a foreign country or one of its departments or agencies.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON, Director General for Operations.

[F. R. Doc. 42-7004; Filed, July 23, 1942; 10:18 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[Amendment 3 to General Inventory Order M-161]

SALT

Section 1255.1 is hereby further amended by adding to Schedule (A) attached thereto the following:

Salt (Sodium Chloride) in bulk.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON, Director General for Operations.

[F. R. Doc. 42-7005; Filed, July 23, 1942; 10:18 a. m.]

PART 3009—CATTLE HIDES, CALF AND KIP SKINS

[Supplementary Order M-194-a]

§ 3009.2 Supplementary Order M-194-a. Pursuant to Order M-194, which this order supplements, the Director General for Operations hereby determines that:

Applications by tanners, processors and contractors under paragraph (c) (2) of Order No. M-194 for authorizations to purchase or accept delivery of cattle hides during July 1942, shall be filed on or before July 25, 1942. Applications for authorizations to make purchases or accept deliveries during subsequent months shall until further order be filed on or before the 10th day of the month.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of July 1942.

AMORY HOUGHTON, Director General for Operations.

[F. R. Dec. 42-7006; Filed, July 23, 1942; 10:18 a. m.]

17 F.R. 3444, 4450.

¹7 F.R. 3718.

¹7 FR. 4174, 4778, 4779.

^{*7} P.R. 5085.

Chapter XI—Office of Price Administration

PART 1300-PROCEDURE

[Amendment 1 to Procedural Regulation 61]

PROCEDURE FOR THE ADJUSTMENT OF MAXIMUM PRICES FOR COMMODITIES OR SERVICES UNDER GOVERNMENT CONTRACTS OR SUBCONTRACTS

Section 1300.404 is amended to read as follows, a new paragraph (f) is added to § 1300.410, and a new § 1300.412 is added:

§ 1300.404 Place for filing application and number of copies. (a) An original and two copies of an application for adjustment shall be filed.

(b) Except as indicated in paragraph (c), an application for adjustment may be filed either with the appropriate Regional Office of the Office of Price Administration, or with the Office of Price Administration, Washington, D. C.

(c) The following applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C.:

(1) Any application made with respect to a contract entered into or proposed to be entered into:

(i) With the Department of the Navy, the total value of which exceeds \$200,000;

(ii) With the War Department, the total value of which exceeds \$5,000,000; (iii) With any agency of the United

States other than the War Department or the Department of the Navy;

(iv) With the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or with any agency of any such Government.

(2) Any application made pursuant to the following price regulations of the Office of Price Administration or with respect to the following commodities:

respect to the following commodities:
(i) Maximum Price Regulation No.
148—Dressed Hogs and Wholesale Pork
Cuts;

(ii) Maximum Price Regulation No. 156—Certain Beef and Beef Products Purchased by Certain Federal Agencies;

(iii) Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts:

(iv) Edible offal and other meat or meat products subject to the General Maximum Price Regulation:

(v) Revised Price Schedule No. 67—New Machine Tools.

§ 1300.410 Definitions. As used in this Procedural Regulation No. 6, the term:

(f) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or

supplement thereto or order, heretofore or hereafter issued thereunder.

§ 1300.412 Effective dates of amendments. (a) Amendment No. 1 (§§ 1300.404, 1300.410 (f) and 1300.412) to Procedural Regulation No. 6 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6987; Filed, July 22, 1942; 12:12 p. m.]

PART 1334-SUGAR

[Amendment 2 to Revised Price Schedule 601]

DIRECT-CONSUMPTION SUGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1334.57 (a) and 1334.59 (a) are amended and a new § 1334.57a is added as set forth below:

§ 1334.57 Enforcement. (a) Persons violating any provision of this Revised Price Schedule No. 60 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1334.57a Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.² The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Frice Regulation are applicable to every person subject to this Revised Price Schedule No. 60 selling at wholesale any direct-consumption sugars covered by this Revised Price Schedule No. 60. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942.

§ 1334.59 Definitions. When used in Price Schedule No. 60 the term:
(a) "Person" includes an individual,

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

§ 1334.60a Effective dates of amendments. * * *

(b) Amendment No. 2 (§§ 1334.57 (a), 1334.57a and 1334.59 (a)) to Revised

Price Schedule No. 60 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

Leon Henderson,

Administrator.

[F. R. Doc. 42-6988; Filed, July 22, 1942; 12:12 p. m.]

PART 1367—FERTILIZERS

[Amendment 1 to Maximum Price Regulation 1081]

NITRATE OF SODA, SULPHATE OF AMMONIA, AND CYANAMID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1367.26 (a) is amended and two new sections, §§ 1367.26a and 1367.29a are added as set forth below:

§ 1367.26 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 108 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and sults for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1367.26a Licensing-Applicability of the registration and licensing provisions of the General Maximum Price Regulation.2 The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 108 selling at wholesale or retail any nitrate of soda, sulphate of ammonia or cyanamid covered by this Maximum Price Regulation No. 108. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11. 1942, and as to persons selling at retail on May 18, 1942.

§ 1367.29a Effective dates of amendments. (a) Amendment No. 1 (§§ 1367.26 (a) and 1367.26a) to Maximum Price Regulation No. 108 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON,

Administrator.

[F. R. Doc. 42-6982; Filed, July 22, 1942; 12:09 p. m.]

¹⁷ F.R. 5087.

¹⁷ F.R. 1320, 1836, 2132, 2510.

²7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

¹7 F.R. 2153.

²7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4569, 4738, 5027, 5192, 5276.

PART 1367—FERTILIZERS [Amendment 2 to Maximum Price Regulation 1351]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of the considerations involved in the issuance of this statement has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1367.36 (a) is amended and a new section, 1367.36a is added as set

§ 1367.36 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1367.36a Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.2 The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 135 selling at retail any mixed fertilizer, superphosphate or potash covered by this Maximum Price Regulation No. 135. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1367.41 Effective dates of amendments.

(b) Amendment No. 2 (§§ 1367.36 (a) and 1367.36a) to Maximum Price Regulation No. 135 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-6981; Filed, July 22, 1942; 12:09 p. m.]

PART 1372—RETAIL PRICE FOR SULLIER SEASONAL COMMODITIES

[Amendment 1 to Maximum Price Regulation 1443]

RETAIL PRICES OF AGRICULTURAL INSECTI-· CIDES AND FUNCICIDES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1372.55 is amended and a new section, § 1372.63, is added as set forth ·below:

§ 1372.55 Incorporation of provisions of the General Maximum Price Regulation? (a) So far as applicable to retail sales the provisions of §§ 1499.12 and 1499.14 of the General Maximum Price Regulation relating to records; of § 1499.5 relating to transfers of business or stock in trade; and of §§ 1499.4, 1499.18 and 1499.19 relating to supplemental regulations, adjustment and amendment, shall apply to all sales the maximum prices for which are established by this Maximum Price Regulation No. 144, and to all persons making such sales. Reference in § 1499.18 of the General Maximum Price Regulation to §§ 1499.2 and 1499.3 thereof, for the purpose of this Maximum Price Regulation No. 144 shall be deemed to refer to §§ 1372.52 and 1372.53 hereof.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 144 selling at retail any agricultural insecticide or fungicide covered by this Maximum Price Regulation No. 144. Only when used in this paragraph (b) the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1372.63 Effective dates of amendments. (a) Amendment No. 1 (§§ 1372.55 (a) (b) and 1372.63 (a)) to Maximum Price Regulation No. 144 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-6983; Filed, July 22, 1942; 12:10 p. m.]

PART 1390-MACHINERY AND TRANS-PORTATION EQUIPMENT

[Amendment 1 to Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the Issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1390.10 (c), 1390.11 (a), 1390.25 (a), and 1390.31 are amended; a new subparagraph (1) is added to § 1390.25 (c); a new § 1390.31a is added; the item "Electrical wire, cable and cable accessories (except when subject to Revised Price Schedule No. 82, as amended)" and footnote 4 thereto is transferred from paragraph (e) of § 1390.32 to paragraph (c) of § 1390.33; in § 1390.32 the item "Gears, pinions, sprockets and speed reducers (except when subject to Revised Price Echedule No. 105, as amended)" and footnote 4 thereto in paragraph (i) is revoked, certain items are amended in paragraphs (e), (h) and (i), paragraph (j) is

amended, and a new paragraph (k) is added; in § 1390.33 paragraph (b) is amended, and new items are added to, and certain items are amended in, paragraph (c); in § 1390.34, the item "Porce-lain bushings" is transferred to paragraph (c) of § 1390.33, and certain items are added, all as set forth below:

§ 1390.10 Maximum prices; sales by sellers other than the manufac-

(c) Machines and parts without list prices: If for any machine or part a seller other than the manufacturer thereof had no published or confidential list price in effect on October 1, 1941, the maximum price to any purchaser for such machine or part shall be the net price determined by applying to the seller's net invoiced cost of such machine or part, not to exceed the applicable maximum price. the average percentage margin over net invoiced cost realized on or about October 1, 1941 for the same machine or part sold by such seller on or about October 1. 1941 to purchasers of the same class, or if none was sold on or about that date, for all machines and parts of the same class sold on or about that date.

§ 1390.11 Maximum prices; sales of second-hand machines and parts. (a) For the purposes of this section a second-hand machine or part is any machine or part which has previously been used.

§ 1390.25 Petitions for amendment or adjustment—(a) Government contracts or subcontracts. Any person who has entered into or proposes to enter into a contract with the United States or with any government referred to in § 1390.24, or any agency thereof, or a subcontract under such contract, who believes that the maximum price established by this Maximum Price Regulation No. 136, as amended, impedes or threatens to impade production of a machine or part, or supply of a machinery service, which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with Procedural Regulation No. 62 issued by the Office of Price Administration. Upon the filing of an application for adjustment and pending the issuance of an order granting or denying such application, contracts or subcontracts may be entered into, or offered to be entered into, and deliveries may be made, at the price requested in such application. If, however, the order issued denies the application in whole or in part, the contract price shall be revised downward to the maximum price previously in effect or to the maximum price ordered, and if any payment has been made at the requested prices, the applicant may be required to refund the excess.

(c) *

(1) Mica capacitors. Notwithstanding any other provisions of this Maximum

¹7 FR. 3187.

²7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4569, 4738, 5027, 5192, 5276.

^{*7} F.R. 3720. No. 145-2

¹⁷ F.R. 5047, 5362.

^{*7} F.R. 5087.

Price Regulation No. 136, as amended, manufacturers of mica capacitors may add to the maximum price provided herein increases in unit cost due to increases realized subsequent to March 31, 1942, in the cost of block mica and in the cost of splitting and cutting mica film, except that nothing in this subparagraph shall permit the addition of an increase in cost due to an increase in labor rates subsequent to March 31. 1942.

§ 1390.32 Appendix A: Machines and parts to which the October 1, 1941 date is applicable. *

(e) Electrical equipment:

Airport, airways and seadromes lighting (not including aircraft fixtures).

Capacitors (except mica).

Special electrical metals and alloys (except steel with less than 6% alloy content) in any fabricated form used for electrical resistance, magnetic or glass sealing purposes, including special contact alloys and special coated iron wire.

(h) Miscellaneous:

Surveying and drafting instruments, and engineering reproduction equipment (not including school, art and office supplies).

(i) Miscellaneous parts and subassemblies:

Ferrous forgings, all types, as sold by the forge shop (whether machined or rough).

Springs for mechanical instruments set forth in paragraph (h) hereof.

(j) Parts and subassemblies of any item set forth in paragraphs (a) to (i), inclusive, of this Appendix A when manufactured by the manufacturer of the complete item.

(k) Machine tools 3 (except when subject to Revised Price Schedule No. 1' or Revised Price Schedule No. 67.

§ 1390.33 Appendix B: Machine and parts to which the March 31, 1942 date is applicable.

(b) Any part or subassembly of any item mentioned in this Appendix B and any part or subassembly of any industrial machinery or equipment not mentioned in § 1390.32, Appendix A, unless any such part or subassembly is itself covered in Appendix A or is mentioned in § 1390.34, Appendix C. "Industrial machinery" means any machinery or equipment used in the extraction, production, or processing of commodities for any use, but does not include mobile or field units, motor vehicles or trailers, farm equipment as defined in § 1361.9 (a) (3) of Maximum Price Regulation No. 133-Retail Prices for Farm Equipment (7 F.R. 3185), or any product mentioned in Appendix C.

(c) Miscellaneous:

Battery charges (except motor generator sets).

Chucks, mandrels, collets, and machine tool attachments (except when subject to Revised Price Schedule No. 1 or to Revised Price Schedule No. 67).

Earth and rock anchors.

Automotive testing and maintenance equipment, mechanical and electrical (not including any portable tools, machine or hand tools, or mechanical or electrical instruments set forth in § 1390.32).

Electrical wire, cable and cable accessories (except when subject to Revised Price Schedule No. 82, as amended).

Governors, engine.

Mica capacitors:

Pole line hardware and line construction specialties.

Porcelain bushings.

Porcelain, steatite, and glass insulators. Power cylinders, hydraulic, pneumatic and hydro-pneumatic.

§ 1390.34 Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136.

Non-ferrous bearings and bushings.

Parts and subassemblies sold for use in farm equipment as defined in § 1361.9 (a) (3) of Maximum Price Regulation No. 133-Retail Prices for Farm Equipment (7 F.R. 3185).

§ 1390.31 Effective date. This Maximum Price Regulation No. 136, as amended, (§§ 1390.1 to 1390.34, inclusive), shall become effective July 22, 1942, except that this Maximum Price Regulation No. 136, as amended, shall not apply to sales or deliveries of electric storage batteries until September 1, 1942.

§ 1390.31a Effective dates of amendments. (a) Amendment No. 1 (§§ 1390.10 (c), 1390.11 (a), 1390.25 (a) and (c), 1390.31, 1390.31a, 1390.32 (e) (h) (i) (j) and (k), 1390.33 (b) and (c), and 1390.34) to Maximum Price Regulation No. 136, as amended, shall become effective July 22,

Issued this 22d day of July 1942. LEON HENDERSON. Administrator.

[F. R. Doc, 42-6986; Filed, July 22, 1942; 12:11 p. m.]

PART 1394—RATIONING OF FUEL, AND FUEL PRODUCTS

[Amendment 3 to Ration Order 5A]

GASOLINE RATIONING REGULATIONS

(a) of § 1394.506 Paragraph amended; a new § 1394.708 is added as set forth below:

§ 1394.506 Preferred mileage * * (n) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person or agency regularly engaged in that business.

§ 1394.708 Temporary service rations. (a) Any person requiring gasoline for the operation of a motor vehicle in one of the classes specified in § 1394.702 (a) may apply for a temporary service ration for such vehicle, pursuant to the provisions of paragraph (b) of this section, if a ration could not be, or has not been issued under §§ 1394.705 and 1394.706 in time to meet his needs. Such application may be made only for a motor vehicle which is subject to the jurisdiction of the Interstate Commerce Commission which is operated both within and without the limitation area.

(b) A temporary application for a service ration may be made, in duplicate, to any Board during the period from July 23, 1942 to August 15, 1942, inclusive. Such temporary application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle in the limitation area from the date the ration is required to August 15, 1942, inclusive, and shall specify the number and address of the Board with which the application for a service ration pursuant to § 1394.705 has been or is to be filed. The applicant shall also state that no ration pursuant to § 1394.706 has been issued. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle in the limitation area for one or more of the uses set forth in paragraph (a) of § 1394.702. The Board shall then issue "S-1" or "S-2" books containing coupons in sufficient number to provide the gallonage needed. Such books shall expire on August 15, 1942.

(d) In the event that the Board issuing the temporary ration is not the Board with which the application for a service ration pursuant to § 1394.705 has been or is to be filed, it shall return to the applicant a duplicate of such temporary application with its notations endorsed thereon. The applicant shall forthwith forward such duplicate to the Board with which the application pursuant to § 1394.705 has been or is to be filed. The original of such temporary application shall be transmitted to such Board by the issuing Board.

(e) The gallonage allowed on the basis of the temporary application shall be deemed a part of the service ration, when issued pursuant to § 1394,706, and no service ration issued under § 1394.705

³ Revised Price Schedule No. 1 (7 F.R. 1202, 1836, 2132) establishes maximum prices for second-hand machine tools and extras. Revised Price Schedule No. 67 (7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2680, 2996, 3445, 3620, 4176) establishes maximum prices for machine tools and standard extras. Both of these Regulations remain in effect and are not superseded by this Maximum Price Regulation No. 136. Machine tool parts sold by the manufacturer of the machine tool will shortly be covered by Revised Price Schedule No. 67 by an amendment now in preparation. Chucks, mandrels, collets and machine tool attachments (see Appendix B, § 1390.33) sold by the machine tool manufacturer as standard extras are subject to Revised Price Schedule No. 67; in all other cases they are subject to this Maximum Price Regulation No. 136. Parts, subassemblies, attachments and accessories, other than standard extras, sold by a subcontractor to a machine tool manufacturer are subject to this Maximum Price Regulation No. 136. Rentals of machine tools and the service of repairing and rebuilding machine tools are subject to this Maximum Price Regulation No. 136.

^{*}Supra, Note 3.

*Supra, Note 3.

for such vehicle shall include gallonage. claimed for such vehicle for any period prior to August 16, 1942.

§ 1394.1902 Effective dates of amend-ments. * * *

(c) Amendment No. 4 (§§ 1394.506 (n) and 1394.708) to Ration Order No. 5A shall become effective July 22, 1942. (Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1(H) 7 F. R. 562).

Issued this 22d day of July 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-6984; Filed, July 22, 1942; 12:11 p. m.]

PART 1499-COMMODITIES AND SERVICES [Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation 1-Order 38]

BELDING HEMINWAY COMPANY

Belding Heminway Company of New York City made application for an authorization to determine a maximum price for its new "Belcora" thread. Due consideration has been given to the application, and it appears that the new sewing thread cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation.' For the reasons set forth in the opinion in support of this Order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 12 and § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, it is hereby ordered:

§ 1499.252 Approval of method of determining the maximum price for Belcora sewing thread for Belding Heminway Company. (a) On and after July 23, 1942, the maximum price at which Belding Heminway Company may sell, deliver, and offer for sale its rayon Belcora industrial stitching and sewing threads, shall be \$2.57 per unit for black threads of all sizes and \$3.09 per unit for white and colored threads of all sizes.

(b) The maximum selling price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 38 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 38 (\$1499.252) shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-6985; Filed, July 22, 1942; 12:11 p. m.l

PART 1312-LUMBER AND LUMBER PRODUCTS

[Amendment 1 to Maximum Price Regulation 1091]

AIRCRAFT SPRUCE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (a) (2) of § 1312.58 is amended and a new § 1312.359a is added as set forth below.

§ 1312.358 Definitions. (a) When used in this Maximum Price Regulation No. 109, the term:

(2) "Aircraft spruce" means spruce lumber, plank, boards, flitches, and cants, produced within the United States, exclusive of Alaska, suitable for use in the construction of aircraft. Where the buyers' specifications permit the substitution of aircraft West Coast hemlock or aircraft noble fir, the term "aircraft spruce" also includes West Coast hemlock and noble fir lumber, plank, boards, flitches, and cants, produced within the United States, exclusive of Alaska, suitable for use in the construction of aircraft.

§ 1312.359a Effective dates of amendments. (a) Amendment No. 1 (§§ 1312.58 (a) (2) and 1312.359a) of Maximum Price Regulation No. 109 shall become effective July 23, 1942.

(Pub. Law 421 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-6994; Filed, July 22, 1842; 4:08 p. m.]

> PART 1382-HARDWOOD LUMBER [Revised Price Echedule No. 972]

The title, preamble, and §§ 1312.301 to 1312.309, inclusive, are renumbered and amended to read as follows:

[Maximum Price Regulation 97]

SOUTHERN HARDWOOD LUMBER 1382.101 Maximum prices for Southern hard-

1002.101	mannam prices for country mata-
	wood lumber.
1382.102	Less than maximum prices.
1382.103	Conditional agreements.
1382.104	Evasion.
1382.105	Records and reports.
1382.108	Enforcement.
1382.107	Petitions for amendment.
1382.108	Definitions.
1382.109	Applicability of General Maximum
	Price Regulation.

1382.110 Export cales. 1382.111

Effective date.

Appendix A: Maximum prices for Southern hardwood lumber in 1382.112

standard or near standard grades. 1382.113 Appendix B: Maximum prices for Southern hardwood lumber in "recurring special" grades or items.

17 F.R. 2238, 2543. 2 Copies may be obtained from the Office of Price Administration.

*7 F.R. 1388, 1675, 1836, 2132, 2509, 3124, 4107.

Sec. 1382.114 Appendix C: Maximum prices for Southern hardwood lumber in "non-recurring special" grades or

In the judgment of the Price Administrator, the prices of Southern hardwood lumber have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act_of 1942. The Price Administrator has ascertained and given due consideration to the prices of Southern hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,2 issued by the Office of Price Administration Maximum Price Regulation No. 97 is hereby issued.

AUTHORITY: §§ 1382.101 to 1332.114, inclueive, iccued under Public Law 421, 77th Cong.

§ 1382.101 Llaximum prices for Southern hardwood lumber. On and after July 27, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Southern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, and no person shall buy or receive in the course of trade or business any Southern hardwood lumber so shipped, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1382.112, 1382.113, and 1382.114, respectively; and no person subject to this Maximum Price Regulation No. 97 shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 97 shall not be applicable to retail sales as defined in paragraph (a) (7) of § 1382.108. Further, the provisions of this Maximum Price Regulation No. 97 shall not be applicable to sales or deliveries of Southern hardwood lumber to a purchaser, if prior to July 27, 1942, such lumber had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1382.102 Less than maximum prices. Lower prices than those set forth in Appendices A, B, and C, §§ 1382.112, 1382.113, and 1382.114, may be charged, demanded, paid, or offered.

§ 1382.103 Conditional agreements. No seller subject to this Maximum Price Regulation No. 97 shall enter into an

¹⁷ F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192. 27 F.R. 971, 3663.

²⁷ FR. 971, 3663.

agreement permitting the adjustment of the price of Southern hardwood lumber to prices which may be higher than the maximum prices in effect on the date of the agreement: Provided, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1382.104 Evasion. (a) The price limitations set forth in this Maximum Price Regulation No. 97 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to Southern hardwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or other-wise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing lumber through a distribution yard;

(2) Unreasonably refusing to ship an item of lumber except in a small quantity which entitles the seller to a premium;

(3) Unreasonably refusing to ship lumber on standard grades and in graderule range widths and lengths;

(4) Falsely or wrongly grading or invoicing lumber;

(5) Grading as a special grade lumber which normally is graded by the seller as a standard grade;

(6) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in paragraph (f) of § 1382.112).

§ 1382.105 Records and reports. (a) Every seller and purchaser subject to this Maximum Price Regulation No. 97 making sales or deliveries or purchases of Southern hardwood lumber to the value of \$500.00 or more in any one month, after July 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Southern hardwood lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1382.106 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 97 are subject to the

criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 97 or any Price Schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest Field, State, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1382.107 Petitions for amendment. Persons seeking any modification of this Maximum Price Regulation No. 97 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1382.108 Definitions. (a) When used in Maximum Price Regulation No. 97, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Feet" means board feet of lumber except that with reference to lumber in thicknesses of ½", ¾", and 5%", the term "feet" means surface feet.

term "feet" means surface feet.
(3) "Southern hardwood lumber"
means lumber:

(i) Produced from the botanical species of sap sweet gum and red sweet gum (Liquidambar styracifiua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), tough ash (Fraxinus americana), yellow poplar (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), soft maple (Acer rubrum); and the botanical species included in the genera of red oak and white oak (Quercus), magnolia (Magnolia), elm (Ulmus), cottonwood (Populus), willow (Salix), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), and ash (Fraximus); and

(ii) Processed into lumber at mills located in Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas and Oklahoma, and in the counties of Tipton, Haywood, Shelby, Fayette, Lauderdale, and Hardeman in the State of Tennessee, and in those portions of North Carolina, South Carolina, Virginia, and Georgia not included in the "Appalachian hardwoods area". The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentuckv along the generally northwestern boundaries of the following counties: Boyd,

Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Countles to the Inter-section of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(iii) Provided, That any sawmill located in the Southern hardwoods area,

as defined in paragraph (a) (3) (ii), which satisfies all of the following requirements shall be deemed to be producing and selling South Central hardwood red oak and white oak (Quercus) lumber and such lumber shall be subject to the maximum prices established in § 1382.64 (b) (21), (22), (23), (24) and (25) of Maximum Price Regulation No. 1553 (Central Hardwood Lumber).

(a) The mill must certify in writing to the Lumber Branch of the Office of Price Administration, Washington, D. C., that (1) during the calendar month immediately prior to such certification more than 45 percent of the hardwood lumber produced by the mill (either from logs or from rough lumber) consisted of red and/or white oak and at least 85 percent of the oak logs and lumber received at the mill were obtained from logging operations or concentration yards located in the South Central hardwoods area, as defined in § 1382.58 (a) (4) (ii) of Maximum Price Regulation No. 155 (Central Hardwood Lumber), and the counties of Tennessee not included in that area; (2) the mill agrees to maintain such proportions during each calendar month thereafter; (3) the mill agrees thereafter not to purchase, either directly or through an agent or subsidiary, any red or white oak stumpage or logs in the Southern hardwoods area, as defined in subdivision (ii), at prices higher than the prices paid for the most comparable stumpage or logs purchased during March 1942, and (4) the mill agrees that any oak lumber thereafter purchased in the Southern hardwoods area either by the mill or an agent or subsidiary will not be resold by the mill or any agent or subsidiary at prices higher than the maximum prices established in §§ 1382.12, 1382.13, and 1382.14, Appendices A, B, and C, of this Maximum Price Regulation No. 97.

(b) The mill has been approved and certified by the Office of Price Administration as having qualified under this subparagraph and such certification and the firm name and location of the mill have been published in the Federal Register.

(c) The mill agrees to and does certify to the Lumber Branch of the Office of Price Administration at the end of each calendar month that during such month the mill (1) satisfied both the production proportion and the receipt proportion required in subparagraph (a) above and (2) observed the maximum purchase price requirements and purchased lumber sale limitations of that subparagraph.

(iv) Provided, further, That the Office of Price Administration may at any time withdraw a classification made in accord-

ance with subdivision (iii).

(4) "Mill" means any establishment: (i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 97, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the

volume of Southern hardwood lumber or logs purchased or received by it, or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (5) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Southern hardwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(5) "Distribution yard" means an es-

tablishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 97, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Southern hardwood pur-

chased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (4) (ii) of this paragraph: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(6) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Maximum Price Regulation No. 97.

(7) "Retail sale" means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 2,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates:

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the

same form.

(8) "Tough ash specialty establishment" means an operation which (1) does not manufacture any species of Southern hardwood lumber from the log; (ii) maintains a yard that receives an average of more than 50,000 feet of tough ash lumber a month; (ili) usually obtains tough ash lumber without specifying to the supplier thicknesses, widths or lengths; (iv) is normally in a position to furnish tough ash lumber in a wide range of grades and specifications (thicknesses, widths and lengths) and (v) has been approved and certified by the Office of Price Administration as a "tough ash specialty establishment", and which has had its firm name and location published in the FEDERAL REGISTER as a certified tough ash specialty establishment.

(b) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1942.

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1382.109 Applicability of General Maximum Price Regulation. The provisions of the General Maximum Price Regulation shall not, on and after July 27, 1942, apply to sales and deliveries of Southern hardwood lumber subject to this Maximum Price Regulation No. 97.

§ 1382.110 Export sales. The maximum price at which a seller may make an export sale of Southern hardwood lumber shall be determined in accordance with the provisions of the Maximum Export Price Regulation 5 issued by the Office of Price Administration.

§ 1382.111 Effective date. This Maximum Price Regulation No. 97 (§§ 1382.101 to 1382.114, inclusive) shall become effective in respect to:

(a) Sections 1382.101 to 1382.112, inclusive, on July 27, 1942;

(b) Sections 1382.113 and 1382.114 on

August 27, 1942:

(c) Provided, That firm commitments entered into on and after February 20, 1942 but prior to July 27, 1942, for the sale of lumber which during that period was subject to Price Schedule No. 97 or Revised Price Schedule No. 97, at prices not in excess of the maximum prices established in Revised Price Schedule No. 97, may be performed prior to December 1, 1942, at the contract price.

§ 1382.112 Appendix A: Maximum prices for Southern hardwood lumber in standard or near standard grades.

- (a) Application of Appendix A. provisions of this section shall apply to Southern hardwood lumber which is sold in the species and on the grades designated in this section. Lumber sold on such grades shall be deemed to include lumber in:
- (1) Grade rule range widths and lengths;
- (2) Widths and lengths substantially the same as grade-rule range widths and lengths: or
- (3) Specified average widths or specifled average lengths which are substantially run-of-the-log.

⁴⁷ F.R. 3153, 3330, 3666, 3930, 3991, 4339, 4487, 4659, 4733, 5207, 5276, 5192.

⁰⁷ PR. 5059.

(b) The maximum f. o. b. mill price for 1,000 feet of Southern hardwood lumber in a rough air dried condition shall be as follows:

(1)	m	TC	UGH	ASH

Thickness (incb)	FAS	No. 1 com- mon and selects or No. 1 com- mon	No. 2 com- mon	No. 3 com- mon	
11/4	\$70.00 75.00 82.00 90.00 105.00 115.00	\$40.00 45.00 55.00 65.00 70.00 80.00	\$29.00 30.00 31.00 32.00 33.00 35.00	\$16.00 17.00 17.00 18.00	

(ii) Where tough ash lumber is shipped out of the stocks of a tough ash specialty establishment, as defined in paragraph (a) (8) of § 1312.108, and is not shipped directly to the purchaser from the mill which produces the tough ash lumber from the log, the following additions per 1,000 feet may be made to the maximum prices established in subparagraph (1) (i) of this paragraph:

, Grade	Thickness	Allowable addi- tions (per 1,000 feet)
FAS	All thicknesses	\$15.00
Selects; or No. 1 Com- mon	do	10.00 5.00

(2) ASH (Other than tough ash)

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 com- mon	No. 3 com- mon
114	\$46, 00 48, 00 48, 00 50, 00 51, 00 54, 00	\$33, 00 35, 00 35, 00 37, 00 38, 00 41, 00	\$26.00 27.00 28.00 28.00 28.00 29.00	\$16: 00 17: 00 17: 00 18: 00
	(3) E	ASSWOOD		
Thickness (inch)	FA8	No. 1 common and selects; or	No. 2 com- mon	No. 3 com- mon

(4) BEECH

or No. 1

common \$39.00

\$16.00

Thickness (inch)	FAS	No. 1 common . and selects; or No. 1 common	No. 2 com- mon	No. 3 com- mon
5/8	\$40.00 41.00 43.00 48.00 49.00 53.00	\$30, 00 31, 00 33, 00 38, 00 39, 00 43, 00	\$20.00 21.00 23.00 24.00 26.00 23.00	\$16.00 17,00 17,00 18.00

(5) COTTONWOOD

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 com- mon	No. 3 com- mon
}2	\$29.00 33.00 37.00 44.00 46.00 46.00 1 50.00	\$25,00 29,00 32,00 38,00 39,00 39,00 39,00	\$19.00 22.00 25.00 29.00 31.00 31.00	\$16.00 17.00 17.00 18.00

113" and wider.

(6) SOFT ELM						
14	\$28.00 32.00 37.00 43.00 45.00 45.00 47.00 48.00 51.00	-	\$21.00 25.00 28.00 33.00 35.00 35.00 37.00 38.00 41.00	\$17.00 20.00 22.00 26.00 27.00 28.00 28.00 29.00	\$16.00 17.00 17.00 18.00	

(7) BLACK GUM-QUARTERED

1 1¼ 1½ 2 2½ 3	\$53. 00 55. 00 57. 00 62. 00 70. 00 75. 00	\$43.00 45.00 47.00 52.00 55.00 60.00	\$28,00 29,00 29,00 31,00 36,00 39,00	\$16.00 17.00 17.00 18.00
(8)	BLACK	GUMPL	AIN	1

1½	52.00	42, 00	28.00	17.00
1½	55.00	45, 00	28.00	17.00
2	60.00	50, 00	31.00	18.00
(9) R	ED GU	M—QUARTI	ERED	
1	\$96.00	\$51.00	\$32.00	\$16.00
11/4	100.00	60.00	33.00	17.00
11/2	100.00	63.00	33.00	17.00
2	103.00	65.00	37.00	18.00

(10) RED GUM-PLAIN

\$ \$65.00 4 75.00 92.00 14 95.00 15 95.00 97.00	\$38.00 42.00 47.00 57.00 58.00 60.00	\$21.00 26.00 32.00 32.00 32.00 36.00	\$16.00 17.00 17.00 18.00
---	--	--	------------------------------------

(11) SAP GUM-QUARTERED

(,				
У Уз	\$60.00 65.00 67.00 70.00 75.00 78.00	\$46,00 53,00 54,00 55,00 61,00 65,00	\$28,00 29,00 29,00 33,00 36,00 41,00	\$16.00 17.00 17.00 18.00
. (I	2) SAP	GUM—PLAI	N .	
/8	\$42,00 46.00 56.00 60.00 63.00 68.00 1 62,00 1 67.00	\$33, 00 35, 00 42, 00 47, 00 50, 00 52, 00	\$19.00 21.00 26.00 27.00 27.00 30.00	\$16.00 17.00 17.00 18.00
	i	1	i i	1

^{113&}quot; and wider.

(18) HACKBERRY

Thickness (inch)	Log run	FA8	No. 1 com- mon and selects; or No. 1 com- mon	No. 2 com- mon	No. 3 com- mon
%	\$24,00				
<u> </u>	23, 00				
1		\$43,00	\$33,00	\$20,00	\$10.0
11/	38, 00	45, 00	35, 00	27.00	17.0
11/2	37.00	45,00	35,00	28,00	17.0
2	33, 00	47.00	37,00	28,00	18,0
21/2		48.00	39, 00	28,00	
3		51.00	41.00	29.00	
_	1				

(14) HICKORY

Thickness (inch)	Log run	FAS	No. 1 com- mon	No. 2 com- mon	No. 3 com- mon
1	\$35.00	\$56, 00	\$37, 00	\$24, 00	\$16,00
1½	37.00	58, 00	89, 00	25, 00	17,00
1½	40.00	61, 00	43, 00	33, 00	17,00
2	43.00	66, 00	44, 00	33, 00	18,00

(15) MAGNOLIA

Thickness (inch)	FAS	No. 1 common and solects; or No. 1 common	No. 2 com- mon	No. 3 com mon
1	\$69.00	\$47.00	\$31.00	\$16.00
	73.00	50.00	30.00	17.00
	73.00	50.00	36.00	17.00
2	76.00	51.00	37.00	18,00
2½	81.00	56.00	39.00	
3	86.00	61.00	39.00	

v (16) SOFT MAPLE—WHAD

16	\$40,00	\$33,00	\$18.00	
6/8	46.00	33.00	21.00	
3/4	52.00	43.00	24.00	
1	61.00	51,00	28,00	\$10,00
11/4	63.00	53.00	30,00	17.00
11/2	66.00	56.00	30,00	17,00
2	69.CO	59.00	33.00	18.00
21/2	71.00	61,00	33,00	
3	76.00	66.00	34.00	

(17) SOFT MAPLE-WHND

14	\$32.00	\$25,00	\$18,00	.
3/2	37.00	29.00	21.00	
%	42,00	33.00	24,00	******
1	49.00	39.00	28,00	\$16,00
11/4	52.00	42.00	30,00	17.00
13/2	54.00	44.00	30,00	17.00
2	58.00	48.00	33,00	18.00
21/2	63.00	53.00	33,00	******
3	69.00	59.00	34.00	******

(18) RED OAK-QUARTERED

Thickness (inch)	FAS	No. 1 common and selects; or No. 1 common	No. 2 common	Sound wormy	No. 3A сошиси	No. 3B common
\$\frac{1}{2}\$ \$\	\$42, 00 49, 00 55, 00 65, 00 75, 00 80, 00 90, 00	32,00 36,00 42,00 47,00 51,00	24.00 27.00 32.00 34.00 35.00	22.00 26.00 32.00 34.00	19.00 21.00 25.00 25.00 25.00	12,00 13,00 15,00 15,00 15,00

(19) RED OAK-PLAIN (25) SYCAI					YCAM(ORE—QU	ART	ERED		(31) STRIPS									
½	39. 00 45. 00 51. 60 60. 00 70. 60 75. 00 85. 00 00. 00	\$26,00 30,00 34,00 38,00 45,00 48,00 53,00 60,00	24.00 27.00 32.00 34.60 35.00 36.00	20, 00 22, 00 26, 00 32, 00 34, 00	19.00 21.00 25.00 25.00 25.00	10.00 12.00 13.60 15.60 15.00 15.00	Thickness (inch)	FAS	No. 1 commo and celecti or No. 1 commo	633 S; L	No. 2 com- mon	No. 3 com- mon		focies	Manuf	ecture :		(dth ish) Ci	No.1
31	15.00 30.00	70.00 83.00					<u>**</u>	\$48.00 48.00	εş	3.00 3.00 3.00 3.00	523.00 23.00		Wh Red	ile Oak Oak	Quarto Quarto		1 2 t	0 5/4 532 0 5/4 45	(0) St. (0)
1/2		-	-QUAR	- 1		10.00	11/5 11/5 11/5	188888 188888		3.00 3.00 3.00 2.00 2.00	22.00 22.00 22.00 23.00 20 20 20 20 20 20 20 20 20 20 20 20 2	\$10,00 17,00 17,00 18,00	3	(32) 2 Cenetr	ruction E	TRUCT	******		\$09.00
¾	81.00 95.00 05.00	47.00 55.00 60.00	\$21.60 \$ 25.60 28.00 33.00 35.00 36.00	22.00 26.00 32.00	21.00 25.00 25.00	13.00 15.00 15.00	(2	6) SYC	AMORE-	-PL	/IN		. –		T			1	mda
21/2	35. 60 150. 00	85.00 \$5.00)		25, 00 25, 00	15.00	1/2 11/2 12/2	\$12.00 42.00 43.00 44.00 45.00 47.00	3333	200 200 340 400 400 7.	\$21.00 21.00 24.00 24.00 24.00 24.00	\$10.0 17.0 17.0 18.0))	Species	Man	ufacture	Thick ress (inch)	1	No. 1 com- mon and selects; or No.
14 58 	\$49.00 59.00	32.0	\$21.00 \$ 0 24.00	ന ഹി	19 661	12 00	(27)	TÜPE	LO-QUA	RTE	RED							<u> </u>	I com-
% 1 1½ 1½	64.00 75.00 90.00 100.00	36.00 42.00 47.00 50.00	0 32.00 0 34.60 0 35.00	26.00 32.00 34.00	25. CO 25. CO	15.00 15.00 15.00	1	\$53.00 \$5.00	S	3.00 5.00	2000 2000 2000 2000	\$10.6 17.6] Red	Gum Gum	Qm	rtered	3	\$103.00	\$23.00 43.00
2 21/2 3	115. CO 130. CO 145. CO	57.0 67.0 82.0	0 36.00 0	38.00	25.00	15.00	1½ 2½	57.00 62.00 70.00		25.00 25.00	21.00 31.00 23.00 23.00	17.0 18.0		(34) PANI	L AND	WID:	E NO. 1	
9	(22) S	97.0	T PECA	'N			٠	75.00	<u> </u>	0.00				Spec	de3		idth (ir	cb)	Price
Thickness	FAS	N	To. 1	No. 2	N	0.3		1	JPELO-F		1	ī		Gum tenweed			d vider d vider		\$85,00 73,00
(inch) 1 1½ 1½ 2	\$55.0 57.0 60.0 65.0	0 5	36,00 38,00 42,00 43,00	\$23.0 24.0 32.0 32.0	0 :	\$16.00 17.00 17.00 18.00	\$6 \$1 114	\$40.00 41.00 50.00 52.00 55.00 00.00		0.03 0.03 0.03 0.03 0.03 0.03 0.03	\$17.00 19.00 23.00 23.00 23.00 31.00	\$19.0 17.0 17.0	o 10. O lu	r 1,000 mbar i	0 feet naro	of S ugh gr	outher een c	n ha nditio	l price rdwood n shall hed in
(23) YEI	TOM	POPI	AR-QT	JART	EREI	<u> </u>	(23) WILLOW				pa air	ragrap drie	h (b) d lum	of thi ber, I	s sect ess ti	ion for ne de	rough luction		
Thickness (inch)		nd solocts	No. 1 common and solects; or No. 1 common	common	з соттоп	3 common	1 1½ 1½	\$55.00 67.00 61.00 63.00	3 :	41.00 43.00 43.00 43.00	22.00 22.00 20.00 20.00	\$10.0 17.0 17.0 18.0	0 in: 0 ni: 0 ste	g the 1 shing ock.	ast six green	mont rathe	hs of r th	1941 f n air	le dur- or fur- dried er 1,000
:	гΛВ	Baps and	No. 1 c soleo com	No. 2A.	No. 2B	No. 3	•	(00)	BOX BOA	ARDS	3		fe be	et of S charg	souther sed for	n har the s	dwood pecific	l lumb	er may tments
1	\$71.00	\$58.00	\$46.00	\$33.60	\$27.00	\$16.00	Species		Thickpers		Width (irch)	m	ents a	nd/or	worki	ngs a	nd the	e treat- e addi- tely on
1½ 1½ 2	81.00 91.00	64.00 66.00 69.00	52.00 58.00	37.00 39.00	28.00 31.00	17.00 18.00			(inch)	13	to 17	0 to 12	th	e invol	ice or	billing	:	_	a mois-
(24)	YELL	ow P	OPLAR	-PLA	IN	<u></u>	Sap Gum Cottenwood		1		(0.00 (0.00)	\$22.0 \$2.0	o tu	re con	tent n	ot exce	eding	nine p	er cent ves the
		eats	on and No. 1	non	comimon	g										•			
Thickness (inch)	FAS	Saps and soloats	No. 1 common and solects; or No. 1 common	No. 2A соштоп	No. 2B com	No. 3 соштоп				-		100	ga" thick	4/4" thick	5/4" thick	6.47 thick	8/4" thick	10/4" thick	12.4° thick
5% 34 11/2 11/2 2	\$51.00 58.00 66.00 71.00 76.00 86.00	\$46.00 49.00 53.00 58.00 61.00 64.00	 	\$19.00 26.00 33.00 36.00 37.00	\$16.00 17.00 27.00 23.00 28.00 31.00	\$16.00 17.00 17.00 18.00	Cottonwood, lar, Magnel Basswood. Ash, Beech, F Quartered S Hickory, Plair Quartered Oal	lick Gi op Gun 1 Oak, I	m, Tupel	o, Pla Sweet	Pep- illsw, in and Pecan.	\$4.00 4.50 5.00 5.00	84.00 00.3 00.0 00.0	83.00 6.00 6.40 7.40	\$3.60 7.60 8.63 9.60	\$3.10 8.00 9.10 11.00	\$7.00 9.00 12.00 15.00	20.00 11.00 12.00 12.00	\$11.00 12.00 20.00 25.09
	1	•	·	'	·						<u>.</u>			•		·		-	

(2) Kiln drying the lumber to a moisture content greater than nine per cent but not exceeding 20 per cent as of the time the lumber leaves the kiln.

j	1/2" and 5/8" thick	3/4" thick	4/4" thick	5/4" thick	6/4" thick	8/4‴ thick	10/4" thick	12/4" thick
Cottonwood, Elm, Hackberry, Yellow Poplar, Magnolia, Maple, Sycamore, Wil- low, Basswood. Ash, Becch, Black Gum, Plain and Quar- tered Sap Gum. Hickory, Plain Oak, Red Gum, Sweet Pecan. Quartered Oak.	\$2.50 3.50 3.00 3.50	\$3.00 3.50 4.00 4.00	\$3.50 4.00 4.50 5.00	\$4.00 5.00 5.50 6.00	\$4,50 5,50 6,50 7,50	\$5.00 6.00 8.00 10.00	\$6.00 7.50 10.00 13.50	\$7.50 9.00 13.50 16.50

(3) Anti-stain treatment: 50¢.

(4) Millworking:

	Less than 1", 1", and 11/" thick	1½" to 3" thick
Resawing 1 line Resawing 2 lines Surfacing 1 or 2 sides Surfacing 2 sides and Resawing	\$3.00 5.50 2.50 5.00	\$2,50 4,50 2,25 4,25
Resawing and Surfacing 1 or 2 sides	5.50	4.75

(5) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber in a rough air dried condition. This addition may be made only where the seller perform's all three of these services, at the request of the purchaser, after kiln drying.

(6) End-racking or band sawing; No

addition.

(7) Stenciling on the face of each piece in a manner which will permit identification and segregation of a particular shipment: 50¢. (This addition cannot be made for stenciling a trade mark on each piece.)

(8) Marking on each piece the surface measure and/or board measure and/or width and/or length of the piece: 50¢.

(9) Bundling: \$2.00.

(e) The following additions per 1,000 feet may be charged where the purchaser (or purchasers, in the case of pool cars) orders an item consisting of one species, thickness, and grade of Southern hardwood lumber, in the quantities herein indicated: Provided, That the items, the quantity of each item ordered, and the addition permitted by this paragraph are shown separately on the invoice or billing:

Allowable addit	ion
Quantity ordered: (per 1,000 feet	t)
Quantity ordered: (per 1,000 feet Over 3,000 but not exceeding 4,000	•
feet \$1.	. 00
Over 2,000 but not exceeding 3,000	
	.00
1,000 to 2,000 feet 2	. 50
	.00

(f) (1) A delivered price in excess of the maximum f. o. b. mill prices set forth in paragraphs (b) and (c) of this section may be charged, consisting of such maximum prices plus the transportation costs permitted by this paragraph: Provided, That (i) the invoice shows the point of origin of the shipment, the destination, and the applicable railroad or truck rate, or, in place of such rate, where

shipment is by motor vehicle owned or controlled by the seller, the amount added for transportation; and (ii) the invoice is marked "direct mill shipment".

· (2) Where shipment is exclusively by motor vehicle owned or controlled by the seller, the charge may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event shall the charge exceed the railroad charge at the carload rate for the most nearly comparable haul. If the actual cost is less than such railroad charge, only the actual cost may be added to the maximum price.

(3) Where shipment is by common or contract carrier, the amount added for transportation may be no greater than the actual amount paid to the carrier, except as provided in subparagraph (4) of this paragraph (f): Provided, That where shipment is by both rail and truck (either owned or controlled by the seller or a common or contract carrier), the following shall govern:

(i) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown

separately on the invoice.

(ii) Where a truck haul precedes the rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for such truck haul: Provided, That the seller may apply to the Lumber Branch of the Office of Price Administration for an exception if the seller can demonstrate that a separate and identifiable charge for the truck haul was customarily made by the seller during the year 1940.

In computing transportation costs, the following practices are permitted:

(i) The computation of transportation costs on the basis of the applicable freight rate and a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: Provided. That a copy of such system of estimated average weights has been filed with the Office of Price Administration before the use of such system in a transaction subject to this Maximum Price Regulation No. 97: Provided, further, That in applying the estimated weights, the seller must use estimated weights which are appropriate for lumber in the condition (including moisture content and extent of processing) in which the lumber subject to this Maximum Price Regulation No. 97 is shipped; and

(ii) The charging of a sum equivalent to the one-quarter of a dollar nearest to the transportation costs per 1,000 feet of lumber computed in accordance with subdivision (i).

(g) Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown

on the certificate.

(h) Where Southern hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in this section, the maximum price shall be the maximum price established in this section for the lowest grade of lumber contained in the stock that is sold on such special inspection grade; the seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 97 for the respective standard grades.

(i) The maximum prices established in this section shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

§ 1382.113 Appendix B: Maximum prices for Southern hardwood lumber in "recurring special" grades or items.
(a) Application of Appendix B.

(1) The provisions of this section shall apply to Southern hardwood lumber which is sold on special specifications (herein referred to as "recurring special" grades or items), requested by the purchaser.

(i) Which are not covered by § 1382.112, Appendix A, of this Maximum Price Regulation No. 97; and

(ii) To which reference was made in the published price lists or unsolicited trade quotations of the producing mill at any time during the year 1941 or 1942.

(2) For purposes of this section the term "Southern hardwood lumber" shall include all items of lumber in the species set forth in paragraph (a) (3) (i) of § 1382.108, but shall not include the following items:

(i) Glued stock.

(ii) Moulding.

(iii) Shiplap.

(iv) Risers, step treads, thresholds. handrails.

(v) Bevel and drop siding.

(vi) Flooring.

(vii) Switch, cross, and mine ties.

(viii) Mine material.

(ix) Small dimension stock.

(x) Lath.

(b) On and after July 27, 1942, no seller shall sell Southern hardwood lumber in "recurring special" grades or items, as defined in paragraph (a) (1) above, unless:

(1) The mill 1 producing the "recurring special" grades or items files with the Lumber Branch of the Office of Price Administration, Washington, D. C., on Form 197:1 a notarized statement describing such grades or items and setting forth the prices received by the mill in all sales of lumber sold in such grades or items during the period September 1 to October 15, 1941 (or, if no such sales were made during said period, the prices received by the mill in all sales of lumber sold on such grades or items during any calendar month in 1941 prior to said period); and

(2) The Office of Price Administration causes this Maximum Price Regulation No. 97 to be amended to include a description of such grades or items and the maximum prices at which such grades or items of lumber produced at the particu-

lar mill may be sold.

Copies of Form 197:1 can be obtained from the Office of Price Administration, or Form 197:1 can be reproduced by the seller provided no change is made in the style or content of the form.

(c) In the event that this Maximum Price Regulation No. 97 is amended to include maximum prices for described "recurring special" grades or items, additions to such maximum prices may be charged, and deductions must be made, in accordance with the provisions of paragraphs (d), (e), (f), (g) and (i) of § 1382.112, Appendix A.

§ 1382.114 Appendix C: Maximum prices for Southern hardwood lumber in "non-recurring special" grades or items—(a) Application of Appendix C.

(1) This section shall apply to Southern hardwood lumber which is sold on special specifications (herein referred to as "non-recurring special" grades or items), requested by the purchaser,

(i) Which are not covered by § 1382.112, Appendix A, of this Maximum Price Regulation No. 97; and

(ii) To which reference was at no time made in the published price lists or unsolicited trade quotations of the producing mill during the years 1941 and 1942.

(2) For purposes of this section the term "Southern hardwood lumber" shall include all items of lumber in the species set forth in paragraph (a) (3) (i) of § 1382.108, but shall *not* include the following items:

- (i) Glued stock.
- (ii) Moulding.
- (iii) Shiplap.
- (iv) Risers, step treads, thresholds, handrails.
 - (v) Bevel and drop siding.

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(vi) Flooring.

(vii) Switch, cross, and mine ties. (viii) Mine material.

(ix) Small dimension stock.

(x) Lath.

(b) The maximum price for Southern hardwood lumber in "non-recurring special" grades or items shall be computed by adjusting the maximum prices established in Appendices A and B, §§ 1382.112 and 1382.113, of this Maximum Price Regulation No. 97 in accordance with differentials which would have been employed by the seller during the period of October 1 to 15, 1941: Provided, That the seller must, within thirty days of entering into a contract for the sale of stock subject to the provisions of this section, file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., on Form 197:2 setting forth full details of the transaction including the name and address of the purchaser, the point of origin and the point of delivery of the stock, the species and grades of lumber ordered, the special specifications, and the price charged for the stock. Where the Office of Price Administration within thirty days of receipt of the report rules that the seller has made an excessive charge for furnishing stock in "non-recurring special" grades or items, the seller must readjust the sale price in accordance with the ruling of the Office of Price Administration. If the Office of Price Administration does not rule on the price within such time, the price submitted shall be considered approved.

OFFICE OF PRICE ADMINISTRATION

Form 197:1 Lumber Branch

Hardwood Section

Report of Sales of Special Grades and Items of Southern Hardwood Lumber

Company Address Mill Location

Sales of "Recurring special" grades and items

(As defined in Appendix B of Maximum Price Regulation No. 97)

(This report' must contain information with respect to ALL cales by the mill during the period September 1 to October 15, 1941 of any "recurring special" grade or item which the mill desires to cell after July 27, 1942. If no sales of this grade or item were made during the period, this report must contain information with respect to all cales by the mill of the particular grade or item during any calendar month in the year 1941 prior to that period)

A. Identification of "recurring special" grade or item.

(Species) (Thickness) (Widths)
(Lengths) (Grade or Item Designation)

Complete description of grade or item:

B. Price Information.

Order			Shipment	F.O.B. Mill	Differ- ential	Stand-
Dato	Number	Origin	Destination	Price (in rough, air- dried condi- tion)	in re- lation to stand- ard grade	and prede to which differ- entialis applied
			•••••			

(Name) (Office or Title)
Subscribed and sworn to before me, a notary
public, in and for _______,
this _____ day of _______ 194_.
[HOTARIAL SEAL]
My commission expires:

(Notary Public)

OFFICE OF PRICE ADMINISTRATION

Form 197:2 Lumber Branch

Hardwood Section

Report of Sales of Special Grades and Items of Southern Hardwood Lumber

Address _______Mill Location _____

Sales of "non-recurring special" grades and items

(As defined in Appendix C of Maximum Price Regulation No. 97)

(This report must be filed with the Lumber Branch of the Office of Price Administration, Wachington, D. C., within 30 days of the date on which the seller enters into a contract for the cale of a "non-recurring special" grade or item.)

Date of OrderOrigin of Shipment
Order No. Destination of Shipment
Purchaser
FOB Mill Price (in rough air dried condition)

(Species) (Thickness) (Widths)

(Lengths) (Grade or Rem Designation)

Differential in relation to standard grade

Standard Grade to which differential is ap-

plied_______Complete Description of Grade or Item

(Name)

(Office or Title)

Subscribed and sworn to before me, a notary public, in and for_____this____day of_____194__.

[NOTABLAL SEAL]
My commission expires:

(Notary Public)

In the event that the Office of Erica Administration approves the price

¹This includes a tough ash specialty establishment.

charged by the seller, or in the event that the Office of Price Administration rules as to the maximum price which the seller may charge, the price so established shall become the maximum price which the particular seller thereafter may charge for lumber sold on the special specifications to which the price is applicable. In subsequent sales of such special stock the seller need not file a report with the Office of Price Administration unless the price quoted by the seller is in excess of the maximum price previously determined.

The requirement that the seller obtain within the specified time approval by the Office of Price Administration of the contract price for lumber subject to this section is not to be construed as meaning that the seller cannot proceed to fulfill the contract until the price has been approved. The seller may initiate performance of the contract prior to obtaining approval of the price subject to the requirement that the price must be revised to accord with a ruling of the Office of Price Administration.

Copies of Form 197:2 can be obtained from the Office of Price Administration, or Form 197:2 can be reproduced by the seller providing no change is made in style or content of the form.

(c) Additions to the maximum prices established in this section may be charged, and deductions must be made, in accordance with the provisions of paragraphs (d), (e) (f), (g), and (i) of § 1382.112, Appendix A.

Issued this 22d day of July 1942.

LEON HENDERSON, Administrator.

IF. R. Doc. 42-6993; Filed, July 22, 1942; 4:04 p. m.]

PART 1394-RATIONING OF FUEL, AND FUEL PRODUCTS

[Amendment 4 to Ration Order 5A 1]

GASOLINE RATIONING REGULATIONS

A new section, § 1394.1309, is acced; subparagraph (2) of paragraph (a) of § 1394.1503 is amended as set forth below:

§ 1394.1309 Issuance of rations for use with vehicles operated on dealer plates. Notwithstanding the provisions of §§ 1394.302 and 1394.303, or any other provisions of Ration Order No. 5A:

(a) A service ration may be issued by a Board for use with an unregistered truck operated under dealer or other interchangeable license plates if the operation of such truck on such plates is permitted by the law of the state issuing the plates. Application for a service ration for such truck shall be made to a Board, on Form OPA R-536, and the applicant shall annex thereto a statement showing the engine number of such truck and the serial number of the Federal Use Tax Stamp issued therefor. A service ration book may be issued for such truck in the manner and under the conditions provided in Ration Order No. 5A for the issuance of service rations. The person issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp Number on the cover of such book and, in the space provided for the license number. shall insert the engine number of such vehicle and the words "dealer plates".

(b) A ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the state issuing the plates.

Such ration shall be issued in the manner and under the conditions provided in §§ 1394.604 and 1394.605. Application for such ration shall be made to a Board, on Form OPA R-551. The applicant shall annex to the application a written statement showing the Federal Use Tax Stamp number and the engine number of such vehicle.

If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of § 1394.604, and shall issue a ration in accordance with § 1394.605. The person issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of such book and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates."

§ 1394.1503 Transfers to consumers in exchange-for coupons-(a) Coupons in books issued for registered motor vehicles. Transfer may be made in exchange for coupons contained in Class A, B, C, D, S-1, or S-2 books, under the following conditions.

(2) Transfer may be made only into the fuel tank of a motor vehicle identifled on the coupon book presented and only if a sticker corresponding to the class of book presented is conspicuously displayed on such vehicle, as required by the provisions of § 1394.1108, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B, C, or S sticker is displayed: Provided. That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book; Provided further, That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer, for identification.

§ 1394.1902 Effective dates of amendments. * * *

(d) Amendment No. 4, §§ 1394.1309 and 1394.1503 (a) (2) to Ration Order No. 5A shall become effective July 22, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562)

Issued this 22d day of July 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-6997; Filea, July 22, 1942; 5:02 p. m.]

PART 1394—RATIONING OF FUEL, AND FUEL PRODUCTS

[Amendment 5 to Ration Order 5A 1]

GASOLINE RATIONING REGULATIONS

A new paragraph (d) is added to § 1394.1503; a new paragraph (d) is added to § 1394.1506, as set forth below:

§ 1394.1503 Transfers to consumers in exchange for coupons * * *

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a dealer may, during the period from July 22, 1942 through July 31, 1942 transfer gasoline to a consumer who has not as yet received a ration, without requiring presentation of a ration book or surrender of coupons at the time of transfer, under the following conditions:

(1) At the time of transfer, the dealer shall make a written record of the name and address of the transferee and of the number of gallons of gasoline so transferred; such record shall be preserved until the receipt of coupons from the transferee pursuant to the requirements of subparagraph (3) of this paragraph;

(2) No consumer may accept such transfer unless he has applied for and knows that he is entitled to receive a ration which would entitle him to acquire gasoline for the purpose for which the transfer is made and which will enable him to surrender to the dealer coupons having a value equal to the number of gallons of gasoline so transferred;

(3) Such consumer shall, immediately after issuance of such ration to him, surrender to the dealer coupons having a value equal to the number of gallons of

gasoline so transferred:

(4) Any dealer who has made a transfer pursuant to this paragraph shall report to the nearest State Office of the Office of Price Administration the name and address of any consumer who has accepted such a transfer and who has not on or before August 4, 1942 surrendered coupons as required by sub-paragraph (3) of this paragraph; such report shall be forwarded immediately after the close of business on August 4,

(5) No dealer may secure replenishment on account of such transfer except in accordance with the provisions of § 1394.1607.

¹⁷ F.R. 5225, 5362, 5426.

§ 1394.1606 Emergency transfer.

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of July 22, 1942, as to jeopardize the movement of trucks, busses or other essential vehicles for which no basic ration is issuable, may by declaration designate the States within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until August 4, 1942 or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed in a State designated therein, may acquire gasoline in the rationed area for use in such vehicle by signing an emergency receipt on Form OPA R-555, in duplicate: Provided, That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

§ 1394.1902 Effective dates of amendments. * *

(e) Amendment No. 5, § 1394.1503 (d) and § 1394.1506 (d) to Ration Order No. 5A shall become effective July 22d, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562)

Issued this 22d day of July 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-6996; Filed, July 22, 1942; 5:02 p. m.]

PART 1400-TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIX-TURES

[Amendment 7 to Maximum Price Regulation 1271]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.2

In § 1400.78, subparagraph (37) of paragraph (c) is amended, two new subparagraphs (43) and (44) are added to paragraph (c), and two new paragraphs (j) and (k) are added; in § 1400.80 a new paragraph (c) is added; in paragraph (a) of § 1400.81, subparagraph. (15) is amended and a new subparagraph (20) is added; in § 1400.82, subparagraph (4) of paragraph (h) is amended and a new paragraph (o) is added, as set forth below:

§ 1400.78 Exempt sales. The provisions of this Maximum Price Regulation No. 127 shall not apply to:

* (c) Sales or purchases of:

.

.

(37) Fabrics coated with a cellulose ester, cellulose ether, synthetic resin or oxidizable oil, for waterproofing or other similar purpose.

.

(43) Typewriter ribbon cloth finished from imported plain woven goods, 36 to 44 inches in grey width, made of combed or super-combed Egyptian or Sea Island cotton yarn.

(44) Finished fabrics which:

(i) Are 54 inches or more in finished width;

(ii) Weigh in excess of 121/2 oz. per linear yard of 56 inch width;

(iii) Contain 8 per cent or more wool by weight; and

(iv) Are finished on the woolen or worsted system.

(j) Sales and deliveries of printed woven decorative fabrics as defined in Maximum Price Regulation No. 39 3 when such sales or deliveries are made by a person whose principal business with respect to such fabrics during the period between January 1, 1941, and March 31, 1942, was done with fabrics selling at a price of 35 cents or more per yard: Provided, That any person claiming such exemption shall, before making any sales or deliveries under such exemption, file his name and address with the Office of Price Administration, Washington, D. C.

(k) Sales of finished piece goods by an artificial flower manufacturers' supplier: Provided, That any person claiming the exemption granted by this paragraph (k) shall, before making any sales and deliveries under such exemption, file his nam. and address with the Office of Price Administration, Washington, D. C., certifying that he is an artificial flower manufacturers' supplier as defined in § 1400.81 (a) (20) of this Maximum Price Regulation No. 127.

§ 1400.80 Petitions for amendment or adjustment.

(c) A petition for adjustment may be filed by any converter who, as a substantial portion of his entire business produces finished fabrics treated with a process resulting in a water-repellant fabric, and who, by virtue of the terms of this Maximum Price Regulation No. 127, would suffer hardship with respect to his entire business: Provided, That:

(1) Any such patition shall contain or be accompanied by a sworn statement showing:

(i) The yardage and dollar volume of petitioner's total sales for the years 1939, 1940, 1941, and for the first six months of 1942.

(ii) The yardage and dollar volume of petitioner's total sales comprising sales of water-repellant fabrics for such period.

(iii) A detailed list and description of the twenty constructions of water repellent fabrics which petitioner handles in the largest volume, a statement of the type of water-repellent processes which are customarily applied thereto, both durable and non-durable, and the cost thereof, indicating whether such fabrics are vat dyed, sulfur dyed, or developeddyed, or otherwise.

(iv) Profit and loss statements for petitioner's business for the years 1939 to 1941, inclusive, and to the end of his last

accounting period in 1942.

(v) Balance sheets for the years 1939 to 1941, inclusive, to the end of his last accounting period in 1942.

(vi) Petitioner's customary methods of purchasing, converting, pricing and marketing of water-repellent fabrics.

(vii) A full statement of the facts upon which petitioner relies in showing that hardship will result from the operation of this Maximum Price Regulation No. 127.

(viii) A specific statement of the ad-

justment requested.

(2) The Price Administrator may grant such adjustment upon such terms and conditions as shall appear reasonable and necessary under all the circumstances.

§ 1400.81 Definitions. (a) When used in this Maximum Price Regulation No. 127, the term:

- (15) "Furrier supplier" means a person customarily engaged in the business of and whose principal business with respect to finished piece goods consists of supplying to manufacturers, repairers and alterers of fur garments, finished piece goods in cut lengths of specified yardage, and includes any person engaged exclusively in supplying to manufacturers, repairers and alterers of fur garments fabrics constructed and processed especially for fur linings.
- (20) "Artificial flower manufacturers' supplier" means a person engaged in the business of and whose business with respect to finished piece goods consists exclusively o' supplying specially finished piece goods for use in the manufacture of artificial flowers, to persons engaged in such manufacture.
- § 1400.82 Appendix A. Maximum prices for finished piece goods.
 (h) Credit terms. * *

(4) The maximum net prices may be increased by an appropriate division factor (in accordance with the formula set forth in subparagraphs (2) and (3) of this paragraph) in any case where the credit terms do not exceed a discount of 3 percent nor a time period in excess of 70 days from the date of the invoice but

¹⁷ F.R. 3119, 3242, 4180, 4454, 4587, 4762,

² Copies may be obtained from the Office of Price Administration.

⁸7. F.R. 5243.

may not otherwise be increased for the purpose of granting other credit on discount terms.

(o) Averaging of prices by converters. Where a converter produces various colors of the same pattern or style, and where the maximum prices for such colors vary, or where a converter produces separate lots of the same pattern or style with a resulting variation in the maximum prices for such lots, he may after computing the maximum price separately for each color or each lot, determine and use as his maximum price for the entire pattern or style a weighted average of such varying prices.

§ 1400.85 Effective dates of amendments.

(g) Amendment No. 7 (§§ 1400.78 (c) (43), (c) (44), (j) and (k), 1400.80 (c), 1400.81 (a) (15), (a) (20), and 1400.82 (h) and (o) to Maximum Price Regulation No. 127 shall become effective July 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of July 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-6995; Filed, July 22, 1942; 4:06 p. m.]

TITLE 46—SHIPPING

Chapter II-United States Maritime Commission

[General Order 55]

PART 287-ESTABLISHMENT OF CONSTRUC-TION FUNDS

APPLICATION FOR PERMISSION TO ESTABLISH

At a regular session of the United States Maritime Commission held at its office at Washington, D. C., on the 21st day of July, 1942.

Amending and supplementing the form and substance of Application for permission to establish a Construction Reserve Fund under section 511 of the Merchant Marine Act, 1936, as amended.

The United States Maritime Commission, pursuant to the authority contained in section 511 of the Merchant Marine Act, 1936, as amended, and the joint regulations of the Commission and the Treasury Department, issued thereunder on January 31, 1941 (General Order No. 38, U.S.M.C.; T.D. 5035), to prescribe the form of application for permission to establish a construction reserve fund under section 511 of the Merchant Marine Act, 1936, as amended, does hereby amend and supplement the form of application heretofore issued and dated February 11, 1941, so as to read as set forth in the attached form marked Exhibit A.

EXHIBIT "A"

APPLICATION FOR PERMISSION TO ESTABLISH A CONSTRUCTION RESERVE FUND UNDER SECTION 511 OF THE MERCHANT MARINE ACT, 1936, AS

The undersigned applicant, hereby applies, under section 511 of the Mer-

chant Marine Act, 1936, as amended, and the Regulations prescribed by the United States Maritime Commission and the Secretary of the Treasury, for permission to establish a construction reserve fund to be used for the construction or acquisition of a new vessel or vessels as defined by subsection (a) of said section 511, and submits in support of its application the following information:

A. Identity and citizenship of applicant.

1. Exact Name. Name and address

Office

Nationality

laws of which organized.

2. Status (Individual, partnership, corpora-

tion, etc.) 3. State or other sovereign power under the

4. Address of principal executive offices.
5. A statement, if applicant is an individual or a partnership, of information to establish that applicant is a citizen of the United States.

6. The following information with respect to each officer and director of the applicant:

Number and class of capital shares owned

- 7. The name, address and nationality of, and number and class of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, more than 5 per cent of the outstanding capital shares of any class of the applicant. (The applicant may be asked to furnish such additional data as may be necessary to establish the fact that, as required by Section 2 of the Shipping Act, 1916, or Section 905 (c) of the Merchant Marine Act, 1936, as amended, the requisite interest in the applicant is owned by citizens of the United States.)
- 8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the applicant are owned, con-trolled or exercised, or whereby the control of the applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and if not an individual, the form of organization.

B. Business of the applicant and proposed use of the new vessel.

- 9. A brief description of (a) the shipping business, or (b) the fishing business, and (c) any other business activities of the applicant
- 10. If engaged in the domestic or foreign commerce of the United States, full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are or have been operated.

11. If applicant is engaged in the fisheries of the United States, full details concerning the location of the fishing operations and the method employed.

C. Proceeds to be deposited.

12. If applicant proposes to deposit the proceeds from the sale of a vessel, a description of the transaction from which the funds were obtained, including the name of the vessel sold, name of purchaser, selling price, date and terms of sale, consideration received by the applicant, amount and description of any mortgage or other lien on the vessel at the time of sale, whether such mortgage or lien was satisfied from the proceeds of sale, brief description of vessel as to size, speed, tonnage, etc., age of vessel at the time of sale, and value and accrued depreciation for income tax purposes at time of sale.

13. If applicant proposes to deposit proceeds of indemnity from loss of a vessel, the name of the vessel date and description of the loss, amount of indemnity and date received, name of underwriter, amount and description of any mortgage or other lien on the vessel at time of loss, whether such mort-gage or lien was satisfied from the proceeds of the indemnity, age of vessel at time of loss, brief description of vessel as to size, speed, tonnage, etc., and value and accrued depreciation for income tax purposes at time of loss.

14. If applicant proposes to deposit earnings from the operation of vessels, a statement of the amount of such earnings to be deposited, the period during which earned, and their source, including the vessels, services, routes, or lines involved.

D. The new vessel.

15. Statement whether applicant proposes: (a) To have a new vessel built to specifica-tions, or (b) To acquire a vessel already constructed or under construction. If the former, and a contract for construction has been entered into at the time of the making of this application, state the date said con-tract was entered into, the parties thereto, the terms thereof, and date of delivery thereunder. If the latter, give name of vessel, builder, from whom purchased, or to be purchased, date when construction commenced, and date when delivered, or if vessel is still under construction, anticipated date of delivery.

16. The general characteristics of the proposed new vessel, including (a) principal di-mensions; (b) gross, net and deadweight ton-nage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total tempera-ture, and vacuum expected of propulsivo machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft.

17. If the proposed new vessel is to operate in the domestic or foreign commerce of the United States, a statement of how it will meet the needs of the service, route or line for which it is intended, with emphasis on the following factors: (a) cargo accommoda-tions—cargo space and fittings and appliances for handling and stowing cargo; (b) passenger accommodations; (c) construction and design; and (d) accommodations for

officers and crews.

18. If the proposed new vessel is to be operated in the fisheries of the United States, a description of the vessel, and a statement of how the vessel will meet the needs of

such operations.
19. If the proposed new vessel is intended to replace a vessel or vessels requisitioned or purchased by the United States, a statement of how the proposed replacement vessel will meet the needs of the service, route, line or use for which it is intended.

20. If the proposed new vessel is less than 2,000 gross tons or of less speed than 12 knots, a description of the features which would make it desirable for use by the United States in case of war or national emergency.

E. The construction reserve fund.
21. A description of the deposit or deposits which the applicant proposes to make in the construction reserve fund, including the amounts to be deposited in cash, notes, mortgages or other evidences of indebtedness, irrevocable commitments, or securities, giving reference to the source as described in items C-12, C-13, or C-14.

22. Name and address of proposed depository or depositories for the construction reserve fund.

F. Taxable year of applicant,

23. Whether applicant files its Federal income tax return on a calendar year or fiscal year basis and if on the latter, the beginning of its fiscal year.

G. Exhibits to be furnished.
24. The following documents shall be filed as exhibits attached to the application:

Exhibit I—If available at the time this application is filed, an authenticated copy of any irrevocable commitment to finance the construction or acquisition of the new vessel proposed to be deposited in the construction reserve fund pursuant to the provisions of § 32.13 of the regulations.

§ 32.13 of the regulations.

Exhibit II—If the applicant is a corporation, a copy of the Certificate of Incorporation of the applicant or other organization papers, including all amendments thereto presently

in effect.

Exhibit III—If the applicant is a corporation a copy of the By-Laws or other governing instruments of the applicant, including all amendments thereto presently in effect.

Exhibit IV—If the applicant is a corporation, a copy of each contract or agreement presently in effect, referred to in answer to Item 8.

H. Covenants of the applicant.

25. The applicant hereby agrees as follows:
(a) That the construction reserve fund shall be subject to the provisions of Section 511 of the Merchant Marine Act, 1936, as amended, to the regulations prescribed by the Commission and the Secretary of the Treasury with respect to the establishment, maintenance, expenditure, and use of such fund, and to such resolutions as may be adopted by the Commission with respect to such fund;

(b) That it will furnish copies of any contracts entered into for the construction or acquisition of new vessels which the Com-

mission may require;

(c) That it will furnish hull plans and specifications, machinery plans and specifications, and data with respect to communication facilities if and to the extent required by the Commission, and

(d) If no contract for the construction of a new vessel as set forth in Paragraph D, subdivision 15 (a) hereof, has been entered into at the time of the making of this application, it will, upon entering into said contract, furnish to the Commission the date thereof, the parties thereto, the terms thereof and data of delivery thereunder.

(Nan	ne of Applicant)
Dated Attest:	

Secretary

County of _____

I, being duly sworn, depose and say that I am the

.., ss.:

(Title of office) (Exact name of _____, the Applicant on whose behalf I Applicant)

am authorized to execute the foregoing application and agreements; that the Applicant is a citizen of the United States, in accordance with the requirements of the Merchant Marine Act, 1936, as amended; that this application is made for the purpose of inducing the United States Maritime Commission to grant to the Applicant, pursuant to the provisions of Section 511 of the Merchant Marine Act, 1936, as amended, and the regulations prescribed jointly by the Secretary of the Treasury and the Commission thereunder, with all of which I am familiar, permission to establish a construction reserve fund; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

Subscribed and sworn to before me, a _______, in and for the State and county above named, this _____ day of ______, 194__.

Instructions as to Preparation of Application

- 1. Applications shall be prepared in the form provided according to the lettered items and serially numbered paragraphs. They must be signed and sworn to as provided. Eleven copies of the applications shall be filed with the Commission, at least one copy of which shall be signed.
- 2. Each application shall be complete. Items or part of items which are inapplicable may, however, be omitted. The information required by Article 25 need ba furnished only as stated in that item. The Applicant may incorporate by spacific reference information previously furnished the Commission, provided that such information so incorporated shall have been furnished at least in triplicate.
- 3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The Applicant may furnish such relevant information as it may desire, in addition to that specified in the form.
- 4. Any additional information called for by the Commission from time to time shall be furnished as an amendment or amendments to the application. The original and eleven copies of each amendment shall be filed, shall refer to the application, and shall be identified as an amendment and dated. Without any specific request from the Commission, the Applicant shall file from time to time as amendments any information necessary to keep current and correct while the application is pending the information contained therein or furnished in connection therewith.

This order shall be effective immediately.

By order of the United States Maritime Commission.

[SEAL]

W. C. Peet, Jr., Secretary.

JULY 21, 1942,

[F. R. Doc. 42-7038; Filed, July 23, 1942; 11:55 a.m.]

Chapter IV—War Shipping Administration

[General Order 8-Supp. 3]

PART 302—CONTRACTS WITH VESSEL OWNERS

§ 302.23 Rates of time charter hire on unclassed vessels. The rates of time charter hire on vessels (both tankers and dry cargo vessels) not classed A-1 American Bureau or equivalent shall be \$.25 per deadweight ton per month-less in each instance than the appropriate rate applicable to a comparable vessel which is so classed.

By order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr., Secretary.

JUNE 29, 1942.

[F. R. Doc. 42-7036; Filed, June 23, 1942; 11:55 a. m.]

[General Order No. 8—Supplement No. 4]
PART 302—CONTRACTS WITH VESSEL

§ 302.24 Rates of time charter hire on ressels operating outside of continental United States. With respect to vessels which on May 16th were operating indefinitely in services not requiring ports of call at ports in the Continental United States excluding Alaska, the rate applicable under Caneral Order No. 8 (Revised) for sailings on and after May 16, 1942, will be applied effective with the first sailing from the first port of call on and after July 1, 1942.

By order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr., Secretary.

JULY 17, 1942.

[F. R. Doc. 42-7037; Filed, July 23, 1942; 11:55 a.m.]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY WAR SHIPPING ADMINISTRATION

[General Order 16-Supp. 1]

General Order No. 16 (§ 303.11) is hereby amended as follows:

- 1. The effective date of July 31, 1942 stated in par. 1 of such General Order is hereby amended to read "August 15, 1942."
- 2. The requirement of 7 point type set forth in par. 2 of such General Order is hereby amended to read "6 point type."

By order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr., Secretary.

JULY 22, 1942.

[F. R. Doc. 42-7035; Filed, July 23, 1942; 11:55 a.m.]

TITLE 47-TELECOMMUNICATION

Chapter I—Federal Communication's Commission

PART 8-RULES GOVERNING SHIP SERVICE

The Commission on July 21, 1942, effective immediately, adopted the following amendments:

Section 8.164 Serial number. Change paragraph (a) to read as follows:

§ 8.164 Serial number—(a) Radiomarine Corporation of America Models AR-8600 and AR-8600-X auto-alarms. One combined receiver and selector unit, without regard to container; one control and terminal box.

(b) Radiomarine Corporation of America Model AR-8601 auto-alarm. One combined receiver and selector unit, without regard to container; one control and terminal unit.

Redesignate paragraph (b) Mackay Radio & Telegraph Co. auto-alarms, types 101-A and 101-B manufactured by Federal Telegraph Co. as (c).

¹⁷ F.B. 5246.

Section 8.210 Technical requirements for portable lifeboat radiotelegraph transmitter and associated equipment. Change paragraph (a) (6) to read as follows:

(6) Modulation: The modulation frequency shall not be less than 450 nor greater than 1250 cycles per second and the percentage of modulation r'all be at least 70.

Section 8.236 Spare parts and auxiliary equipment for auto-alarm, if auto-alarm is required. This section has been amended to read as follows:

§ 8.236 Spare parts and auxiliary equipment for auto-alarm, if auto-alarm is required—(a) Radiomarine Corporation of America Model AR-8600 and Model AR-8600-X. (1) Tubes: One type 6H6, one type 6A8, two type 6K7, five type 1611.

(2) Two bridge warning-light bulbs.

(3) One 30-ohm resistor.

(4) One 9-volt dry cell bias battery.

(5) Nine glass-enclosed 6-ampere fuses, six glass-enclosed ½-ampere fuses, six 10-ampere fuse links for cartridge-type fuses, two cartridges for 10-ampere fuse links.

(6) One relay contact burnishing tool.

(b) Radiomarine Corporation of America Model AR-8601. (1) Tubes: One type 6H6, one type 6A8, two type 6K7, five type 1611.

(2) Two bridge warning-light bulbs.

(3) One 80-ohm resistor.

(4) One 9-volt dry cell bias battery.

(5) Six glass-enclosed ½-ampere fuses, 6 glass-enclosed 6-ampere fuses, twelve 6-ampere fuse links for cartridge-type fuses, one cartridge for 6-ampere fuse links for cartridge-type fuses, one cartridge for 10-ampere fuse links

(6) One relay contact burnishing tool.

(7) One spare charging resistor.

(c) Mackay Radio & Telegraph Co., Types 101-A and 101-B. (1) Tubes: For the type 101-A alarm: One type 6D6, one type 89, three type 76. For the type 101-B alarm: One type 6D6, one type 89, one type 75, and two type 76.

(2) Two bridge warning-light bulbs.

(3) Two commutating brushes, two governor brushes, and two brush springs for selector motor.

(4) Six 1-ampere fuses for receiver power supply unit, three cartridges for 6-ampere fuse links, one cartridge for 3-ampere fuse links, nine 6-ampere fuse links for cartridge-type fuses, three 3-ampere fuse links for cartridge-type fuses.

(5) One 4½-volt dry cell bias battery.

(6) One relay contact burnishing tool.

(Sec. 4 (i) 48 Stat. 1068)

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 42-7017; Filed, July 23, 1942; 11:23 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Amendment No. 1 to General Order O.D.T. No. 13]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART I—ESTABLISHMENT OF JOINT INFORMATION OFFICES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, the preamble, § 501.56, and paragraphs (b), (c), and (g) of § 501.57, General Order O.D.T. No. 13, Title 49, Chapter II, Part 501, Subpart I, are hereby amended to read as follows:

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, and in order to enable carriers by motor truck to comply with the requirements of General Order O.D.T. No. 3, Revised, and General Order O.D.T. No. 17:2

§ 501.56 Definitions. The term "carrier" means any common carrier as defined in § 501.4 (c) of General Order O.D.T. No. 3, Revised, and any motor carrier as defined in § 501.65 (c) of General Order O.D.T. No. 17.

§ 501.57 Establishment of joint information offices. * * *

(b) The Office of Defense Transportation shall be advised forthwith as to the name and address of each person selected as a member of the governing committee or board or as manager or employee of a joint information office and shall be furnished accurate information with respect to the character, experience and past and present occupation and employment of such persons and, on the basis thereof, shall have the right to disapprove such selections. Each person so selected may be removed at any time from such office or position by direction of the Office of Defense Transportation. No person employed as a manager or as an employee of a joint information office shall during his employment, be employed by a carrier except with the approval of the Office of Defense Transportation, nor shall he be a member of the governing committee or board.

(c) The function of the joint information office shall be to assist common carriers in complying with the requirements of General Order O.D.T. No. 3, Revised, and motor carriers in complying with the requirements of General Order O.D.T. No. 17, by obtaining and receiving from common carriers information as to the availability of traffic originated or con-

trolled by or in the possession of or on order to common carriers, and from all carriers information as to the availability of equipment, and by furnishing such information in respect of available traffic to any and all common carriers who apply therefor, and in respect of available equipment to any and all carriers who apply therefor; such information shall be furnished to such carriers in the order of the receipt of their respective applications and without discrimination, preference or partiality. The authority of such joint information office shall include all things reasonably necessary to carry out the functions above described, but shall not include the right to fix the compensation for the interchange of traffic or for the transportation of traffic interchanged, or the rental price of vehicles leased, or to designate any particular carriers to receive any given traffic or to lease, rent, or exchange any given vehicle.

(g) The manager of the joint information office shall maintain a record of all information filed with such office and shall keep such further records and make such reports as may be required by the Office of Defense Transportation. If, after registration with any joint information office, any equipment or traffic becomes unavailable for the purposes for which it was so registered, the carrier who made such registration, forthwith shall notify the manager of such information office of such fact, and thereupon the registration of such equipment or traffic shall be cancelled. All records, files, and correspondence shall be available for examination by accredited representatives of the Office of Defense Transportation at all times.

This amendment shall become effective July 23, 1942, and shall remain in full force and effect until further order of this Office.

(E.O. 8989, 9156, 6 F.R. 6725; 7 F.R. 3349)

Issued at Washington, D. C., this 23rd day of July 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-7009; Filed, July 23, 1942; 10:40 a. m.]

[General Order O.D.T. No. 17]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART IC-MOTOR CARRIERS OF PROPERTY

Supersedes General Order O.D.T. No. 4, as Amended, General Order O.D.T. No. 5 as Amended, and That Portion of General Order O.D.T. No. 6 Which Is Applicable to Private and Contract Carriers

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive

¹⁷ F.R. 5066.

²7 F.R. 5445.

⁸⁷ F.R. Supra.

Order No. 9156, issued May 2, 1942, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by motor vehicle for the preferential transportation of materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, material, and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war.

It is hereby ordered, That:

501.65 Definitions. 501.66 Elimination of waste. Mileage reduction requirements. 501.67 Special deliveries, call backs, number 501.68 of deliveries. 501.69 Loading and operating requirements. Exemptions. 501.70 Special or general permits. 501.71 501.72 Submission of plans for joint action. 501.73 Records and reports. 501.74 Filing of rate publications. 501.75 Revocation and effective date.

AUTHORITY: §§ 501.65 to 501.75, inclusive, issued under E.O. 8989, 9156, 6 F.R. 6725; 7 FR. 3349.

§ 501.65 Definitions. As used herein: (a) The term "person" means any individual, firm, copartnership, corporation, municipal corporation, association, including a farm cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or other type of legal entity, or any trustee, receiver, assignee, or personal representative thereof.

(b) The term "property" means anything, except passengers, capable of being

transported by motor truck.

(c)-The terms "motor carrier" and "carrier" mean any person other than a person which holds itself out to the general public to engage in the transportation of property for compensation, which engages in the transportation of property by motor truck, and includes contract carriers by motor truck and private carriers by motor truck.

(d) The terms "motor truck" and "truck" mean either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, (5) or any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a motor vehicle engaged primarily in the transportation of pas-

sengers.

- (e) The term "operating unit" means that portion of the motor truck operations conducted by any motor carrier from any given terminal, base of operation, or municipality. The total operating units of any motor carrier shall include all operations conducted by such motor carrier.
- (f) The term "gross weight" means the aggregate weight of a motor truck and its lading.
- (g) The term "rated load carrying ability" as applied to a truck means the

weight which the tires mounted on the load bearing wheels of such truck are capable of carrying as determined in the manner set forth in Appendix No. 1 attached hereto.

(h) The terms "capacity load" or "loaded to capacity" as applied to a truck mean either (1) the quantity of property, by weight, which may be carried in said truck, determined by deducting the weight of said truck from its rated load carrying ability, or (2) the maximum quantity of property, by volume, which may be stowed by efficient methods and safely transported in the load bearing space of the truck, whichever quantity is the lesser in weight.

(i) The term "delivery" means the operation of a motor truck by a motor carrier from any one point to any other point for the purpose of enabling such motor carrier to relinquish possession of property after transportation or to take possession of property for transportation, or both, and includes an offer or attempt to so relinquish or take posses-

sion of such property.

(j) The term "special delivery" means a delivery other than one made in the course of a normal delivery service.
(k) The term "call back" means any

call made by a motor truck of a motor carrier at any given premises, other than for the purpose of making a delivery or for the purpose of repairing, servicing

or maintaining such truck.

(1) The term "over-the-road service" means all operations of a motor truck except: (1) those within an area which includes any municipality or urban community and a zone extending twentyfive (25) air miles from the boundaries thereof; (2) those within and between contiguous municipalities or urban communities; (3) those not more than twenty-five (25) miles in length.
(m) The term "local delivery service"

means all operations of a motor truck

except over-the-road service.

(n) The term "special equipment" means any low-bed motor truck, or any motor truck the primary carrying capacity of which is occupied by mounted machinery.

§ 501.66 Elimination of waste. Every motor carrier shall:

(a) Eliminate wasteful operation and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this subpart:

(b) Curtail the speed of motor trucks to 40 miles per hour or less;

(c) Conserve and properly maintain tires, motor trucks, and other transportation facilities necessary in conducting the business of such carrier;

(d) Lease or rent its motor trucks whenever practicable and to the extent necessary to carry out the purposes of this subpart.

§ 501.67 Mileage reduction requirements. Each motor carrier shall reduce the total mileage of motor trucks operated in each operating unit during any calendar month, by not less than twentyfive (25) per cent of the total mileage of motor trucks operated by such carrier in the same operating unit during the corresponding calendar month of 1941, exclusive of the mileage eliminated as a result of the requirements of § 501.68. In the event any such carrier was not operating in the same operating unit during the corresponding calendar month of 1941, the mileage of motor trucks operated by such carrier in such operating unit during the month of May, 1942, shall be used as a basis for computing the reduction in monthly motor truck mileage required herein. Motor carriers not engaged in operations in any operating unit prior to June 1, 1942, shall not institute or continue such operations until the mileage which such carrier may operate in such operating unit shall have first been determined and authorized by this Office. If operations in any operating unit of any such carrier were increased between the month for which current reduction is being computed and the corresponding month of 1941, as a result of the acquisition of any motor truck operations of any other carrier, there shall be added to the total mileage of motor trucks operated in such operating unit by such acquiring carrier for the month which constitutes the basis for such reduction, the total mileage of motor trucks engaged in the acquired operations during the corresponding month of 1941, or if such operations were not being conducted during such month, then during the last month of such operations prior to the date of such acquisition. If any portion of the operations in any operating unit of such carrier were decreased between the month for which current reduction is being computed and the corresponding calendar month of 1941, as a result of the sale, lease or transfer of any motor truck operations, the total mileage of motor trucks operated in any operating unit by such carrier for the month which constitutes the basis for such reduction, shall be reduced by the total mileage of motor trucks operated in that portion of the operating unit so disposed of by such carrier.

§ 501.68 Special deliveries, call backs, number of deliveries. Except as provided in § 501.70 of this subpart, no person shall cause to be made by motor truck and no motor carrier when operating a motor truck shall make:

(a) Any special delivery, except to hospitals.

(b) Any call back.

(c) More than one delivery from any one point of origin to any one point of destination during any calendar day except:

(1) When the property to be delivered exceeds the capacity load of the motor truck engaged in the delivery thereof, in which event each delivery, except the final delivery, shall be a capacity load delivery; or

(2) One additional delivery when the property to be delivered requires the use of a motor truck, other than the type used in making the first delivery, specially adapted for and used exclusively in the transportation of such property; or

(3) One additional delivery when made for the purpose of picking up empty containers if such additional delivery is made without increasing the mileage of

any motor truck; or

(4) One additional delivery on the day next preceding a national holiday when such holiday falls on a Saturday, or on the Saturday next preceding a national holiday when such holiday falls on a Monday, provided such contract carrier does not make any delivery on such holiday.

§ 501.69 Loading and operating requirements. (a) No motor carrier shall operate any motor truck in over-the-road service unless it is loaded to capacity,

except as follows:

(1) A motor truck, while outbound from the origin point of a trip to the point most distant therefrom to which the truck is operated on such trip, and also while inbound, may be operated on a portion of the route or routes travelled while empty or partially laden, if, during the course of the outbound or inbound movement, the truck is laden with a capacity load while operated over a considerable portion or segment of the route or routes travelled in over-the-road service, and if the carrier uses due diligence in maintaining a capacity load upon the truck at all times while en route.

(2) On and after September 1, 1942, each motor carrier and its representatives, including the representative in immediate control and possession of the truck, shall endeavor in good faith prior to its departure from any point when empty to lease or rent such truck consistent with any prior commitments involved in the use of said truck en route, to another person for the transportation of property. In endeavoring to lease or rent such truck, each such carrier and its representative or representatives shall inquire at and register with the joint information office established at or near such point pursuant to General Order O. D. T. No. 13,1 or by a State with the approval of the Office of Defense Transportation, and if there be no such office at or near such point, shall make appropriate inquiries of other carriers at their offices or terminals, or both, located at such point.

(3) Nothing in this subpart contained shall be construed to require the loading of a motor truck to such an extent that the gross weight of the truck will exceed the actual safe capacity of any bridge or other structure en route, as determined by State or local authorities, or will exceed the maximum gross weight limitations prescribed by the applicable State law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such truck shall be loaded as nearly to the extent required by this subpart as may be consistent with

such applicable limitations.

(4) A motor truck which has been so disabled en route that a capacity load cannot be transported or carried thereon may be operated in over-the-road service empty or partially laden to the nearest point where the carrier operating said truck maintains, provides, or can obtain repair services.

(b) No motor carrier shall operate in over-the-road service any motor truck, the gross weight of which exceeds by more than twenty (20) per cent its rated load-carrying ability.

(c) The provisions of this subpart shall not be so construed or applied as to require any motor carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law or to render any such service beyond its transportation capacity.

§ 501.70 Exemptions. (a) The provisions of § 501.67, paragraphs (a) and (c) of § 501.68, and paragraph (a) of § 501.69 of this subpart shall not apply to or in-

clude the following:

(1) Any motor truck while actually transporting exclusively high explosives, such as, and including, dynamite, blasting caps, detonation fuses, black powder, gun powder, and other like explosives, susceptible to detonation by a blasting capand the accessories necessary for the use of the foregoing;

(2) Any motor truck when engaged exclusively in the transportation of repair or service men and their supplies or

equipment;

(3) Any motor truck operated exclusively for the purpose of collecting and disposing of sewage or garbage or rendering other sanitation services, pursuant to Government order, regulation, or contract:

(4) Any motor truck operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas and water supply útilities, and pipe lines, railroads, street railways, and public highways;

(5) Any motor truck while operated under direction of the armed forces of the Federal or a State government;

- (6) Any motor truck operated in emergencies exclusively for the purpose of making deliveries of medicines or other supplies or equipment necessary for the protection or preservation of life, health, or for public safety;
- (7) Any motor truck operated exclusively for the purpose of making deliveries of telegraph, radio, and cable communications or the United States
- (b) The provisions of § 501.67, paragraphs (a) and (c) of § 501.68, and paragraphs (a) and (b) of § 501.69 of this subpart shall not apply to or include the operation of any special equipment.
- (c) The provisions of this subpart shall not apply to or include the following:
- (1) Any motor truck, the primary carrying capacity of which is occupied by a mounted tank or tanks;
- (2) Any motor truck controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms.
- (3) Any motor truck owned, controlled, or operated by the armed forces of any State or of the United States.

- (4) Any motor truck engaged in the transportation of property wholly within the boundaries of any industrial or manufacturing plant, or between units of such plant separated only a by a public highway, when such transportation is an integral part of the business of such industrial or manufacturing plant.
- § 501.71 Special or general permits. The provisions of this subpart shall be subject to any special or general permit issued by this Office to meet specific needs or exceptional circumstances, or to prevent undue public hardships.
- § 501.72 Submission of plans for joint action. (a) All joint and collective action taken by motor carriers with respect to local delivery service in compliance with this subpart shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice dated March 12, 1942. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action may, if desired, be submitted to this Office for consideration and approval. In order that this Office may be informed concerning plans which have been or are hereafter placed in operation without such prior submission for consideration and approval, a copy of each
- such plan shall be filed with this Office.
 (b) Whenever joint action between two or more motor carriers is contemplated with respect to over-the-road service in order to accomplish any of the purposes of this subpart, such carriers may formulate and submit to this Office for consideration a plan or plans designed to accomplish such purposes. No action shall be taken in furtherance of such plan or plans except in compliance with a specific order or orders issued by this Office.

§ 501.73 Records and reports. Every motor carrier shall prepare and maintain records showing for each calendar month, the mileage of each motor truck operated by such carrier, and shall prepare and maintain such logs and other records and make such reports as this Office may hereafter require for the purpose of this subpart. All such records shall be kept available and open for inspection at all reasonable times for examination by any accredited representative of this Office.

§ 501.74 Filing of rate publications. Every motor carrier required by law to file schedules or contracts of rates, charges, rules, or practices shall file forthwith with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect only for the duration of the present emergency unless otherwise ordered, schedules, contracts, or appropriate supplements to filed schedules or contracts, setting forth any changes in the rates, charges, rules, regulations, or practices

¹⁷ F.R. 5066.

of such carrier which may be necessary to acted dwith this subpart, together with compy of this subpart; and forthwith shall apply to said Commission and each such regulatory body for special permission for such schedules, contracts, or supplements to become effective on one-day's, or the absolute minimum period of, notice.

'§ 501.75 Revocation and effective date.

(a) Title 49, Chapter II, Part 501, Subpart C, General Order O.D.T. No. 4,² as amended,² §§ 501.16 to 501.23, inclusive, and Title 49, Chapter II, Part 501, Subpart D, General Order O.D.T. No. 5,⁴ as amended,⁵ §§ 501.24 to 501.30, inclusive, be and the same are hereby revoked, effective as of the date this subpart becomes effective.

(b) The application of the provisions of General Order O.D.T. No. 6,° as amended, CTitle 49, Chapter II, Part 501, Subpart E, §§ 501.31 to 501.36, inclusive), General Permit O.D.T. No. 6-1,8 (Title 49, Chapter II, Part 521, Subpart E, § 521.2000), and General Permit O.D.T. No. 6-2° (Title 49, Chapter II, Part 521, Subpart E, § 521.2001) to the motor truck operations of any motor carrier be and the same are hereby revoked, effective as of the date this subpart becomes effective.

(c) The provisions of:

(1) Subparagraph (2) of paragraph (a) of § 501.69 of this subpart shall become effective September 1, 1942, and shall remain in full force and effect until further order of this Office.

(2) This subpart, except as specified in subparagraph (1) of this paragraph (c), shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 23d day of July, 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

APPENDIX NO. 1

Under the terms of § 501.65 (g) of this subpart, the rated load carrying ability of the tires mounted on the running wheels of a motor truck shall be determined by multiplying the number of tires mounted on the running wheels of such motor truck, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

Example: A motor truck uses 10 running tires, size 9.00-20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix, is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying

ability" of the motor truck as defined in § 501.65 (g).

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

Rated land

Description of thes

Description of the		COLLAIN A
edia	Number of plies	tot the Line is opility in courses
5.00-16 5.00-16	- HENYKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKKK	70 83
6.00-10 5.00-16 5.00-16 6.00-16 6.00-16 6.00-16 6.00-16 6.00-16 6.00-17 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-20 6.00-17 6.00-20 6.00-20 6.00-20 6.00-18 6.00-18 6.00-20 6.00-18 6.00-20 6.00-18 6.00-20 6.00-17 6.00-16 7.00-16 7.00-16 7.00-16 7.00-16 7.00-16 7.00-17 7.00-17 7.00-18 7.00-20 7.00-2	4 0	ANGERSCHERECTERENTERENTERSCHEINGERSCHEINGERSCHEINGERENTERENTERENTERENTERENTERENTERENTERE
6.00-16 6.00-16	6	1,17
6,00-17. 6,00-20.	Ģ G	1,400
6.00-20/00 x 5 6.00-24/34 x 5	8	1,789 1,679
0.25-16 6.25-16	4 6	1,635 1,210
6.50-16 6.50-16	a n	1,135
6.70-17 6.50-18	Ö	1,500
6.79-20 6.70-20	ğ	1,700
Light truck 15"	ĕ	1,300
7.00-15	Ğ	1,415
7.09-16.	6	1,485
7.00-17	Š	1,55
7.00-17 7.00-18	8	1,65
7.00-20 7.00-20/32 x 6	19	1,000 2,20
7.00-24/36 x 6 7.50-15	19 6	2,673 1,535
7.59-15	8 10	1,525
7.20-16	8	1,630 1,830
7.50-17	8	2,000
7.66-1932 x 7	10	3,60
7.00-20:34 x 7	រប្ត័	270
7.70-24°05 x 7	19	3,100
0.60-10	12	\$ 600
8.27-10	8	3,65
8.25-18 8.25-18	12	363
8.25-20 8.25-20	19 12	3,133
0 07_92 0 07_94 0 07_94	19 19	3,123
8.03-24 9.03-15	12 19	3,000 3,875
9.00-15. 9.00-18	12 19	3,223
9.00-18. 9.00-20	12 19	3,60
9.03-20/03 x 8 9.03-22	12 10	3,830
9.03-24 9.03-24:03 v 8	10 12	3,923 4,375
10, 00-15 (0, 75-15)	12	3,275
10.03-29 (9.73-29)	12	4,000 4,377
10.00-22 (0.75-22)	12	4,275
10.00-24/42 x 9.	14	1,000
11.60-18 (10.50-18) 11.00-20 (10.50-20) 11.60-20 (10.50-20) 11.60-22 (10.50-22)	12 14 12	1.00
11.60-22 (10.60-20)	12	4,700
11.00-22 (10.30-24) 11.00-23 (10.30-24) 11.00-23 (10.30-23) 12.00-18 (11.25-30) 12.00-20 (11.25-30)	12 14	\$,200 4,500 4,500 5,000 5,400 5,400 5,475
12,03-18 (11,25-18) 12,03-29 (11,25-29)	. 14	6, 123 6, 475
12.00-20/40 x 10 12.00-22	16 14	5,875 5,830
12:00-2:00 x 10. 12:00-2:1 (11:25-21). 12:00-2:1 (11:25-21). 12:00-2:1 (41:25-21). 13:00-2:1 (12:75-24). 13:00-2:1 (12:75-24). 14:00-2:0 (13:50-26). 14:00-2:0 (13:50-26). 14:00-2:1 (13:50-24). 14:00-2:1 (13:50-24). 14:00-2:1 (13:50-24). 14:00-2:1 (13:50-24). 15:00-2:1 (13:50-24). 15:00-2:1 (13:50-24).	14 16 16	\$455 \$455 \$450 \$450 \$450 \$450 \$450 \$450
13.00-20 (12.75-20) 13.00-24 (12.75-24)	16	0,769 7,578
14.00-20 (13.50-20) 14.00-20 (13.50-20)	16 18	8.200 8.700
14.00-24 (13.50-20)	16 18	9,160 9,700
No. 10 No. 11	6	1,190
No. 12 No. 13	6	1,100 1,000 1,000
No. 14	ő	1,00
No. 15	l ä	1.60

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TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS—Continued

Description of thes	Rated load curying	
823	Number of piles	ability in founds per tire
No. 18. No. 19. No. 19. No. 19. No. 19. No. 20. No. 23. No. 23. No. 43. No. 44. No. 44. No. 44. No. 45. No. 65. No. 65	8 8 8 10 10 10 12 12 12 12 12 12	1,500 1,500 2,500 2,500 3,400 4,400 4,400 4,400 4,500 5,500 5,500

PASSENGER TYPE TIRES USED IN MOTOR

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[F. R. Doc. 42-7010; Filed, July 23, 1942; 10:40 a. m.]

²⁷ F.R. 3005.

³⁷ F.R. 4119; 7 F.R. 4185; 7 F.R. 5448.

⁴⁷ F.R. 3007.

⁵7 FR. 4119; 7 FR. 4184; 7 FR. 4185; 7 FR. 5448.

^{°7} F.R. 3008. °7 F.R. 3532; 7 F.R. 4184.

⁸7 F.R. 4185. ⁹7 F.R. 4186.

No. 145---4

[General Permit O.D.T. No. 17-1]

PART 521-CONSERVATION OF MOTOR **EQUIPMENT: PERMITS**

SUBPART K-MOTOR CARRIERS OF PROPERTY TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In accordance with the provisions of General Order O. D. T. No. 17, Title 49, Chapter II, Part 501, Subpart K, § 501.71, It is hereby authorized, That:

§ 521.2875 Transportation of farm products and supplies. Motor carriers when operating a motor truck engaged exclusively in the transportation of farm products from a farm or farms to a concentration or storage point, processing or packing plant, dehydrating, brining, freezing, or grading place, cannery, mill, warehouse, stockyard, wholesale or retail market, or to a rail or a water carrier, or when operating a motor truck engaged exclusively in the transportation of farm supplies to a farm or farms, are hereby relieved, in respect of trucks so engaged, from compliance with the provisions of § 501.67, paragraph (c) of § 501.68, and subparagraph (2) of paragraph (a) of § 501.69 for a period of ninety-two (92) days commencing August 1, 1942 and ending October 31, 1942. (E.O. 8989, 9156, 6 F.R. 6725; 7 F.R. 3349; Gen. Order O.D.T. No. 17, supra)

Issued at Washington, D. C., this 23d day of July, 1942.

Joseph B. Eastman. Director of Defense Transportation. [F. R. Doc. 42-7011; Filed, July 23, 1942; 10:40 a. m.]

Notices

WAR DEPARTMENT.

REDESIGNATION OF ARMY AIR FORCES FERRYING COMMAND TRANSFER OF AIR TRANSPORTATION FUNCTIONS

Pending revision of §§ 94.1 to 94.5,2 inclusive, the following information is pub-

1. To assure the effective utilization of air transport facilities of the Army Air Forces as required to accomplish the mission of the Army, the Army Air Forces Ferrying Command is redesignated Air Transport Command.

2. Effective July 1, 1942, the responsibility of the Services of Supply for the transportation by air of personnel, material, and mail of all War Department agencies is transferred to the Army Air Forces.

3. All air activities (including the establishment of priority for air travel on commercial and military aircraft) at present handled by both office and field forces of the Transportation Service are transferred from the Transportation Service to the Army Air Forces, effective at 0001, July 1, 1942. On the effective date, the Air Division, Transportation Service, including all activities, establishments, personnel (military and civilian). and supplies pertaining solely to the Air Division, Transportation Service, is transferred to the jurisdiction of the Commanding General, Army Air Forces.

4. The Commanding General, Army Air Forces, will be responsible for estab-. lishing the priorities for air transportation of all personnel and material to be transported by air.

5. In the performance of its mission, both within and without the continental United States, the Army Air Forces will utilize to the fullest extent possible the services, facilities, and personnel of the civil air carriers.

6. In order to provide for the most effective utilization of such civil air carrier services, facilities, and personnel, all agencies of the War Department desiring to utilize such air carrier services, facilities, or personnel, other than the utilization of scheduled air services, will coordinate requests therefor with the Commanding General, Air Transport Command, and such requests will be subject to his approval as to the availability of such services, facilities, or personnel. (Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Cir. 211, W.D., July 1, 1942, as amended by Cir. 231, W.D., July 14, 1942]

[SEAL]

J. A. Ulio, Major General, The Adjutant General.

[F. R. Doc. 42-7020; Filed, July 23, 1942; 10:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-300]

JAKE ABBOT. CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 3, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on July 3, 1942, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Jake Abbot (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 16, 1942, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the com-

plaint herein and a consent to the entry of an appropriate order on the ba-

sis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the

complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Jake Abbot, whose address is Middlesboro, Kentucky, a code member, whose code membership became effective as of October 16, 1940, operating the Abbot Mine, Mine Index No. 1492, located in Bell County, Kentucky, District No. 8 has wilfully violated the Code and rules and regulations thereunder by selling and delivering for shipment by rail on or about June 2, 1941, approximately 177.5 tons of %" x 0 coal produced at the above named mine to Golie Shoffner and H. L. Mat-

¹ Supra.

^{*7} F.R. 5338.

lock of Middlesboro, Kentucky, whereas minimum prices, temporary or final, had not been established by the Division for sale and delivery of said coal for rail shipment resulting in violation of the Order in General Docket No. 19 dated October 9, 1940.

Dated: July 22, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Dcc. 42-7021; Filed, July 23, 1942; 11:27 a.m.]

[Docket No. B-302]
AYERS AND YORK

NOTICE OF AND ORDER FOR HEARING

In the matter of Herbert Ayers and William S. York, individually and as copartners, doing business under the name and style of Ayers and York, Code Memher

A complaint dated July 3, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 3, 1942, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Herbert Ayers and William S. York, individually and as copartners, d. b. a. Ayers and York (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 17, 1942, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5)

days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking he membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Herbert Avers and William S. York, individually and as copartners doing business under the name and style of Ayers and York, whose address is Middlesboro, Kentucky, a code member, whose code membership became effective as of February 1, 1941, operating the Elmtree Mine, Mine Index No. 3561, located in Bell County, Kentucky, District No. 8, has wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, the Code and rules and regulations thereunder by selling and delivering for shipment by rail on or about May 30, 1941, approximately 178.5 tons of 36" x 0 slack coal produced at the above-named mine to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, whereas prices, temporary or final, had not been established by the Division for sale and delivery of said coal for rail shipment.

Dated: July 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7022; Filed, July 23, 1942; 11 :27 a. m.]

[Docket No. B-212]

CHARLES BOWERS, CODE MEMBER

ORDER APPROVING AND ADOPTING PROFOSED FINDINGS OF FACT, PROFOSED CONCLUSIONS OF LAW, AND RECOLLIENDATION OF EXAM-INERS, AND ORDER REVOKING AND CANCEL-LING CODE MELIBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on February 10, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 1, wherein complainant alleged that Charles Bowers, a code member producer in District No. 1, had wilfully violated the Bituminous Coal Code and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, particularly Price Instruction No. 6, by failing to add the cost of transportation to the f. o. b. mine price of certain coal sold by him between February and August 1941. Complainant prayed that the Division revoke and cancel code membership or, in its discretion, direct the code member to cease and desist from further violations of the Act.

Pursuant to an Order of the Acting Director, dated February 18, 1942, this matter came on for hearing on March 25, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. District Board No. 1 and Charles Bowers appeared at the hearing. The Examiner on June 20, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that Charles Bowers, a code member producer in District No. 1, operating the Bowers No. 1 Mine, Mine Index No. 696, wilfully violated the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and particularly Price Instruction No. 6 of the Price Schedules by selling at various dates (1) during the period February 1941 to and including August 1941, (2) 856,645 tons of run of mine coal produced at his mine at (3) \$2.20 per net ton, delivered at Curwensville, Pennsylvania, (4) whereas the effective minimum price therefor, was \$2.20 per net ton f. o. b. the mine, code member thus failing to add the cost of transportation as required by Price Instruction No. 6 in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, (5) and recommended that the code membership of Charles Bowers be revoked and cancelled and that as a condition precedent to reinstatement to membership in the Code, Bowers should be required, as provided in section 5 (c) of the Act, to pay a tax to the United States in the amount of \$735.00.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. No exceptions thereto have been filed.

The undersigned has determined that the proposed findings of fact and the proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and the proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the code membership of Charles Bowers, a code member producer in District No. 1, operating the Bowers No. 1 Mine, Mine Index No. 696, be, and the same hereby is, revoked and cancelled effective fifteen (15) days from the date hereof.

It is further ordered, That as a condition to the reinstatement of code membership, the code member shall pay to the United States, as provided in section 5 (c) of the Act, a tax in the amount of \$735.00.

Dated: July 21, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 42-7025; Filed, July 23, 1942; 11:27 a.m.]

[Docket No. B-22]

ENGLER COAL AND COKE CO.

ORDER ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND REC-OMMENDATIONS OF THE EXAMINER, AND CEASE AND DESIST ORDER

In the matter of Nina C. Engler, individual, doing business as Engler Coal and Coke Company, registered distributor, registration No. 2774, respondent.

This proceeding was instituted by the Bituminous Coal Division (the "Division"), pursuant to the provisions of the Bituminous Coal Act of 1937 (the "Act"), in order to investigate and determine whether or not Nina C. Engler, individual, doing business as Engler Coal and Coke Company, a registered distributor, Registration No. 2774, whose address is 503 Omerhall Loan Building, Omaha, Nebraska, had violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributors' Agreement, executed on December 16, 1940, by respondent, and whether or not the registration of said distributor should be revoked or suspended or other proper penalties should be imposed.

The Notice of and Order for Hearing charged that the respondent, acting in the capacity of sub-sales agent, pursuant to a sub-sales agency agreement filed with the Division December 11, 1940, with Ed Sweeney (doing business as Triple

"C" Coal Company) operating the Sweeney Mine, Mine Index No. 188, located in Le Flore County, Oklahoma, in District No. 14, during the period from January 2, 1941 to January 21, 1941, both dates inclusive, sold on behalf of said code member approximately three carloads of coal to various purchasers, produced by the aforesaid code member and charged that the respondent accepted and retained commissions on the above transaction in addition to the 9 percent commission stipulated in said agreement. Although certified copies of an agreement modifying the stipulated commission in their sales agency agreement was not filed with the Division, as required by Rule 4 (b) of section 2 of the Marketing Rules and Regulations.

Pursuant to a notice, dated November 22, 1941, a hearing in this matter was held on January 14, 1942, before D. C. McCurtain, a duly designated examiner of the Division, at a hearing room thereof at Omaha, Nebraska. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. The Examiner, on June 20, 1942, submitted a Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that the respondent, acting in the capacity of a sub-sales agent, pursuant to an agreement filed with the Division on December 11, 1940, with the Triple "C" Coal Company, code member, operating the Sweeney Mine, Mine Index No. 188, during the period from January 2, 1941 to January 21, 1941, received and retained compensation in excess of 9 percent commission provided in said subsales agency agreement, although no certified copy of an agreement modifying the stipulated commission in said subsales agency agreement was filed with the Division as required by Rule 4 (b) of section 4 II of the Marketing Rules and Regulations. Based upon the proposed findings of fact, the Examiner recommended that an order be entered directing the Engler Coal and Coke Company, a registered distributor, Registration No. 2774, to cease and desist from violations of the Act, the regulations made thereunder or the Distributors' Agreement.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. No exceptions thereto have been filed.

The undersigned has determined that the proposed findings of fact and the proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered. That the said proposed findings of fact and the proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof

that the Engler Coal and Coke Company, a registered distributor, Registration No. 2774, its representatives, agents, servants, employees, attorneys, successors or assigns and all persons acting or claiming to act for or in its behalf be and they hereby are directed to cease and desist from violations of the Bituminous Coal Act, the regulations made thereunder, particularly the Distributors' Rules and the Distributors' Agreement.

It is further ordered, That upon the failure of such distributor to comply with the Order that the Division may reopen the case and take appropriate action under the circumstances for the enforcement hereof, or take such further action as may be appropriate in the premises.

Dated: July 22, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-7026; Filed, July 23, 1942; 11:28 a. m.]

[Docket Nos. B-277, B-279, 1790-F.D.]
MARKET STREET COAL CO., ET AL.

ORDER POSTPONING HEARINGS

In the matter of J. H. Cox and R. L. Stulce, individually and as partners, doing business under the name and style of Market Street Coal Company, Code Member; F. L. Swindle, doing business under the name and style of Swindle Coal Company, Code Member, and South Pittsburg Coal Company, Code Member.

The above-entitled matters having been heretofore scheduled for hearings at 10:00 a.m. on July 29, 30, and 31, 1942, respectively, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee: and

It appearing to the Acting Director that it is advisable to postpone said

that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the shove-entitled matters

hearings in the above-entitled matters be, and they hereby are, postponed from 10:00 a. m. on July 29, 30, and 31, 1942, respectively, at the Chancery Court Room, Courthouse, Chattanooga, Tennessee, to places and dates to be hereafter designated by appropriate orders.

Dated: July 22, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 42-7023; Filed, July 23, 1942; 11:28 a. m.]

[Docket No. B-266]

E. D. RAFFERTY CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on July 27, 1942, at 10 a.m., at a Hearing Room of the Bituminous Coal Division, at the Post Office Building, Owensboro, Kentucky; and

The Acting Director deeming it advisable that said hearing should be post-poned;

Now, therefore, it is ordered. That the hearing in the above-entitled matter be, and it hereby is, postponed from July 27, 1942, to a date and at a place to be hereafter designated by an appropriate Order.

Dated: July 22, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

F. R. Doc. 42-7024; Filed, July 23, 1942; 11:28 a. m.]

[Docket No. B-79]

WHITELEY & BUCKALEW, INC.

ORDER ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND REC-OMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine:

(a) Whether or not Whiteley & Buckalew, Incorporated, Registered Distributor, Registration No. 9675, the respondent in the above-entitled matter, had violated any provisions of the Act, the Code, or any orders or regulations of the Division, including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement, executed July 25, 1940, by the respondent; and (b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalty should be imposed.

The Notice of and Order for Hearing dated November 22, 1941, charged that the respondent accepted and retained excessive commissions from various operators while acting in the capacity of sales agent, and sub-sales agent, during the period from October 9, 1940, to August 12, 1941, and that respondent in accepting and retaining the excessive commissions participated in transactions in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations, and thereby violated Paragraph (e) of the Distributor's Agreement executed on July 25, 1940, by the respondent.

Pursuant to notice dated November 22, 1941, a hearing in this matter was held on January 13, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room rereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. The Examiner on June 18, 1942, submitted a Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation.

The Examiner found:

(1) That the respondent, acting in the capacity of sales agent, pursuant to an agreement dated October 2, 1940 and modified on April 2, 1941, with the Pursglove Coal Mining Company, a code member principal operating mines Nos. 120, 119, and 121, in District No. 3, dur-

ing the period from October 9, 1940 to August 12, 1941, both dates inclusive, sold in behalf of said code member 53 cars, or approximately 2510.99 net tons of various sizes of coal produced at the aforesaid mines; and that the respondent accepted and retained, at least for a time, commissions in the aggregate amount of \$593.30 on said transactions, which was \$228.45 in excess of \$364.85 which is the aggregate amount of commissions to which respondent was entitled on said transactions as stipulated in the sales agency agreement.

(2) That the respondent acting in the capacity of sales agent, pursuant to an agreement dated December 30, 1940 with the Reitz Coal Company, a code member principal, operating the Reitz Nos. 2, 4, 5 and 8 Mines, Mine Index Nos. 420, 423, 424, and 425, respectively, in District No. 1, during the period from October 10, 1940, to August 8, 1941, both dates inclusive, sold in behalf of said code member 32 cars or approximately 1639.95 net tons of various sizes of coal, produced at the aforesaid mines, and accepted and retained, at least for a time, commissions in excess of that to which he was entitled on said transactions, as stipulated in said sales agency agreement.

(3) That the respondent acting in the capacity of sales agent, pursuant to an agreement dated October 1, 1940, with the Canyon Coal Company, code member principal, operating mine designated as Mine Index No. 32, located in District No. 3 during the period from January 6, 1941. to January 20, 1941, both dates inclusive, sold in behalf of said code member 3 cars or approximately 141.05 net tons of coal of various sizes produced by the code member, and that respondent accepted, and at least for a time, retained commissions in excess of that to which he was entitled on said transactions as stipulated in said sales agency agreement between the respondent and said code member, and that therefore the respondent in accepting and retaining, at least for a time, said excessive commissions, participated in the violation of Rule 9 (a) of the Marketing Rules and Regulations, and thereby violated Paragraph (e) of the Distributor's Agreement executed by the respondent on July 25, 1940, and filed with the Division.

Based upon his proposed findings of fact, the Examiner recommended that an order be entered directing Whiteley & Buckalew, Incorporated, a registered distributor, Registration No. 9675, to cease and desist from violations of the Act, the regulations made thereunder, or the Distributor's Agreement.

An opportunity was afforded all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. No exceptions thereto have been filed.

The undersigned has determined that the proposed findings of fact and the proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and the proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof, Whiteley & Buckalew, Incorporated, registered distributor, Registration No. 9675, its representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act for or in its behalf, be and they hereby are directed to cease and desist from further violations of the Act, the regulations made thereunder, or the Distributor's Agreement.

It is further ordered, That upon the failure of such distributor to comply with this order, the Division may reopen the case and take appropriate action under the circumstances for the enforcement thereof, or take such further action as may be appropriate in the premises.

Dated July 22, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-7027; Filed, July 23, 1942; 11:28 a.m.]

[Docket No. B-213]

THOMAS B. BLEAKNEY, CODE MEMBER

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

This proceeding was instituted upon a complaint filed on February 10, 1942, with the Bltuminous Coal Division by District Board No. 1, pursuant to sections 4 II (j) and 5 (b) of the Bltuminous Coa: Act of 1937, against Thomas B. Bleakney, code member. The complaint alleges that code member wilfully violated the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and prayed that the Division revoke and cancel the code membership of Thomas B. Bleakney or, in its discretion, direct him to cease and desist from further violations of the Act.

Pursuant to an Order of the Acting Director dated February 21, 1942, and after due notice to interested persons, a hearing in this matter was held at Altoona, Pennsylvania, before Joseph A. Huston, a duly designated Examiner of the Division. Al. interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Appearances were entered on behalf of District Board No. 1 and Thomas B. Bleakney.

The Examiner, on June 15, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation. He found that Thomas B. Bleakney, a code member producer in District No. 1, wilfully vio-

^{&#}x27;In the Exeminer's Report the code member is improperly referred to 23 "Thomas B. Bleakley" instead of "Thomas B. Bleakney."

lated section 4 II (e) of the Act, the Bittuminous Coal Code, and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments by selling and delivering on November 11, 1940, approximately 1,600 lbs. of slack coal (Size Group 4 or 5) at \$1.75 per net ton.f. o. b. the mine when the established effective minimum price therefor was \$2.15 per net ton f. o. b. the mine. The Examiner also found that the code member violated Order No. 308 by failing to maintain and file with the Statistical Bureau of the Division for District No. 1, as prescribed in said Order, copies of all truck tickets, sales slips, and other memoranda or records relating to sales and shipments of bituminous coal produced by said code member. Based upon his proposed findings of fact, the Examiner recommended that an order be entered directing Thomas B. Bleakney, his officers, representatives, agents, servants, employees, and successors or assigns, and all persons acting or claiming to act for or in his behalf or interest, to cease and desist from further violations of the Act and of the Code by selling or offering to sell coal at less than the effective minimum price established therefor, and from failing to maintain and preserve and file information relating to sales of coal as required by the rules and regulations issued pursuant to the Act, or from otherwise violating the Act, the Code, and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments or the rules and regulations promulgated pursuant to the Act.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner. No Exceptions thereto have

been filed.

The undersigned has determined that the proposed findings of fact and the proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and. conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and

conclusions of law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof, Thomas B. Bleakney, his officers, representatives, agents, servants, employees, and successors or assigns, and all persons acting or claiming to act for or in his behalf or interest be, and they hereby are, directed to cease and desist from selling coal below the effective minimum price established therefor, from violating Order No. 308, issued pursuant to the Bituminous Coal Act, or from otherwise violating any provisions of the Bituminous Coal Act of 1937, the Code or the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments and the rules and regulations promulgated under the Act.

It is further ordered, That if the code member fails or refuses to comply with this order, the Division may apply to

the Circuit Court of Appeals, for the circuit wherein the code member resides or does business for the enforcement thereof, or take such further action as may be appropriate in the premises.

Dated: July 22, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-7028; Filed, July 23, 1942; 11:29 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Administration Letter 544]

REESTABLISHMENT OF REGIONS VIII AND $\mathbf{x}\mathbf{n}$

1. Effective July 6, 1942, Regions VIII and XII are reestablished as follows:

(a) Region VIII will consist of the state of Oklahoma, except the counties of Cimarron, Texas, and Beaver, and the state of Texas, except the counties west of and including the following: Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Kent, Fisher, Taylor, Runnels, Concho, Menard, Kimble, Edwards, and Val Verde. All FSA activities within the region will be under the jurisdiction of Mr. Lee Ozbirn, Regional Director, with headquarters at Dallas, Texas.

(b) Region XII will consist of the state of New Mexico and those counties in Oklahoma and Texas excepted above in the description of Region VIII. All FSA activities within the region will be under the jurisdiction of Mr. Jesse B. Gilmer, Regional Director, with headquarters at Amarillo, Texas.

2. Effective as of the same date, all authorities heretofore vested in the Regional Director, Region VIII-XII, are rescinded insofar as they relate to the area hereafter contained in Region XII. and such authorities are revested in the Regional Director; Region XII.

3. The Finance regional office at Dallas, Texas will continue to serve Region XII.

Approved July 6, 1942.

[SEAL]

C. B. BALDWIN. Administrator.

[F. R. Doc. 42-7015; Filed, July 23, 1942; 11:14 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591)

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Cus-

tom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16. 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Emufacturing Industry, July 29, 1941 (6

ployment of Learners in the Cigar Man-F.R. 3753). The employment of learners under

these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 23, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EXPIRA-TION DATE

Single Pants, Shirts and Allied Gar-ments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

The W. H. Dean Company, Grand Avenue, Montvale, New Jersey; Aprons, Uniforms, Caps, Collar & Cuff Sets; 2 learners (T); July 23, 1943.

Elaner Frocks Manufacturing Co., 905 Washington Avenue, St. Louis, Missouri; Cotton and Silk Dresses; 10 percent (T); July 27, 1943.

Fletcher Brothers Company, 436-440 South Liberty Street, Winston-Salem, North Carolina; Overalls; 10 learners (T); July 23, 1943. (This certificate replaces the one bearing the expiration date of October 27, 1942)

The Hooker Corser & Mitchell Co., 21 Frost Street, Brattleboro, Vermont; Overalls, Bib & Waist Coats, Short & Long Combination Suits, Pants & Aprons; 5 learners (T); July 27, 1943.

S. Liebovitz and Sons, Inc., So. Fayette and California Streets, Mercersburg, Pennsylvania; Men's Shirts (Army flannel); 10 percent (T); July 23, 1943.

Mickee Togs Corporation, 86 Shipman Street, Newark, New Jersey; Kiddies' Toddlers and Wash Suits; 5 learners (T); July 23, 1943.

Planet Shirt Manufacturing Co., Inc., 447 Chapel Street, New Haven, Connecticut; Men's Shirts; 15 learners (T); July 23, 1943.

S. R. L. Manufacturing Company, 127 East 9th Street, Los Angeles, California; Ladies' Mannish Tailored Shirts: 2

learners (T); July 23, 1943. Stylecraft Studios, Inc., 1043 East Genesee Avenue, Saginaw, Michigan; Foundation Garments, Corsets, Brassieres; 8 learners (T); July 23, 1943. (This certificate replaces the one bearing the expiration date of October 27, 1942.)

Troutman Shirt Company, Inc., Troutman, North Carolina; Work Shirts; 10 learners (T); July 23, 1943.

Knitted Wear

Century Mills, Inc., New Jersey Avenue, Riverside, New Jersey; Knitted Underwear; 5 percent (T); July 23, 1943.

John Rems and Sons, 22 Locust Street, Macungie, Pennsylvania; Knitted Underwear; 5 learners (T); August 3, 1943.

W. A. White Underwear Corp., 353 West 1st Street, Oswego, New York; Knitted Underwear & Commercial Knitting; 5 learners (T); July 23, 1943.

Hosieru

Arlington Hosiery Mills, Inc., 613 Market Street, Sunbury, Pennsylvania; Seamless & Full-fashioned Hosiery; 15 learners (E); March 23, 1943.

H. Vaniver and Company, Inc., 240 Market Street, Philadelphia, Penn.; White Duck Coats, Aprons, Pants, & Uniforms; 5 learners (T); July 23, 1943.

Textiles

Lockwood Company, Water Street, Waterville, Maine; Cotton: 18 learners (T): July 23, 1943.

Pepperell Braiding Company, Lowell Street, E. Pepperell, Massachusetts; Cotton, Rayon & Wool; 3 learners (T): July 23, 1943.

The Read and Lovatt Manufacturing Company, Main Street, Weatherly, Pennsylvania; Silk, Nylon & Rayon Threads; 3 percent (T); July 23, 1943.

Signed at New York, N. Y., this 21st day of July 1942.

> MERLE D. VINCENT, Authorized Representative of the Administrator.

[F. R. Doc. 42-7019; Filed July 23, 1942; 11:33 a. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

AGRICULTURE, COASTAL, MARINE RELAY, AND FIXED PUBLIC SERVICES

MEMORANDUM OPINION ON POLICY AND PRO-CEDURE FOR HANDLING CERTAIN APPLICA-TIONS

In the matter of policy and procedure for handling applications relating to sta-

tions in the Agriculture, Coastal, Marine Relay, and Fixed Public Services.

It has become increasingly apparent that the public interest requires a curtailment of the use of materials for the construction or change of the transmitting facilities of stations operating in the Agriculture, Coastal, Marine Relay and Fixed Public radio services.

On June 29, 1942, the Board of War Communications made the following two recommendations to the War Production Board and to this Commission:

1. No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any station in the Agriculture Service.

2. No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any station operating in the Coastal. Marine Relay, or Fixed Public services: Provided, however, That upon a proper showing that any such station serves an essential military need or a vital public need, which cannot otherwise be met, the Commission and the War Production Board will take action commensurate with the importance of the particular facility in question.

The Commission has adopted the recommendation numbered one, and hereafter as a matter of policy, until further notice, will grant no application for an authorization involving the use of any materials to construct or change the transmitting facilities of any point-topoint radio station in the Agriculture service.

In accordance with the recommendation numbered two, the Commission has adopted the policy, until further notice, of not granting any application for an authorization which involves the use of any materials to construct or change the transmitting facilities of any station operating in the Coastal, Marine Relay, or Fixed Public services; except where it appears that the facilities to be constructed or changed will-serve either (1) an essential military need or (2) a vital public need, which cannot otherwise be met.

Any application hereafter filed involving the use of any materials to construct or to change the transmitting facilities of any class of station set forth under recommendation (2) will be considered defective and returned to the applicant unless it is accompanied by a verified statement showing all the facts and circumstances which the applicant believes to demonstrate that the facilities to be constructed or changed will serve either. (1) an essential military need, or (2) a vital public need, which cannot otherwise be met.

In the case of any application now pending before the Commission, or postmarked prior to the date hereof, a verified statement need not be submitted unless the Commission specifically requests such statement. Failure to file the required statement within the time designated by the Commission shall be deemed an abandonment of the pending application and such application will be retired to the closed files of the Commission and dismissed without prejudice.

In the event that the Commission is unable to determine from the verified statement that the proposed facilities will serve either an essential military need or a vital public need, which cannot otherwise be met, the application will be designated for a public hearing. Dated: July 21, 1942.

[SEAL]

T. J. SLOWIE, Secretary.

[P. B. Doc. 42-7016; Filed, July 23, 1942; 11:23 a. m.l

FEDERAL POWER COMMISSION.

[Docket No. IT-5755]

Western Massachusetts Electric Com-PANY, ET AL.

ORDER FIXING DATES FOR HEARING AND FOR FILING APPLICATION FOR LICENSE

JULY 21, 1942.

The Commission having under consideration the application in the aboveentitled matter for approval of a proposed merger and consolidation, filed December 18, 1941, as amended and supplemented; the Answer of Applicants to Order Requiring Application to be Supplemented, filed June 11, 1942; the Petition to intervene filed January 19, 1942, and the request for oral hearing filed July 13, 1942, by the Mayor of City of Springfield, Massachusetts; the Reply to said petition, filed by the Applicants February 23, 1942, and Answer, to said request, filed by the Applicants July 17, 1942; and

It appearing to the Commission that:

Opportunity should be afforded for the taking of such oral testimony and other evidence on the question of the Commission's jurisdiction with respect to the proposed merger, and on the issues raised by the aforesaid filings, and the filings hereinafter directed to be made, as may be relevant and material and necessary to the proper disposition of the application:

The Commission orders that:

(a) A public hearing for the aforesaid purposes be held beginning at 9:45 o'clock a. m. August 4, 1942, in the Hearing Room of the Federal Power Commission, at 1800 Pennsylvania Avenue NW., Washington, D. C.:

(b) The Applicants have available for examination at such hearing one or more technically qualified witnesses having knowledge of the manner in which loads served by the Turners Falls Power & Electric Company's transmission system are supplied with electric energy from the sources utilized; and have available for reference such wiring diagrams, records of meter readings and other Company data and records as may be relevant

¹Includes all such applications filed prior to the date hereof irrespective of present status.

to a determination of electric energy flows between out-of-state points and facilities of the Western Massachusetts Electric Company, United Electric Light Company, and Pittsfield Electric Company for such instances as said witnesses may select as being representative of the various types of operating conditions currently encountered;

(c) On or before July 31, 1942, the Applicants submit the application for license for the hydroelectric project at Turners Falls (with such exhibits and accompanying data as shall have been prepared), the agreements to accept license for said project, and the showing of facts with respect to the question of inclusion of transmission lines in said project, all as referred to in the Commission's Order of May 19, 1942, in the above-entitled proceeding and the Applicants' answer thereto filed June 11, 1942.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 42-7013; Filed, July 23, 1942; 11:12 a. m.]

[Docket No. IT-5695]

Mississippi River Power Company

ORDER GRANTING ORAL ARGUMENT

JULY 21, 1942.

Upon joint application of Respondent, Mississippi River Power Company, and Intervener, Union Electric Company of Missouri, filed July 15, 1942, requesting that they be granted oral argument before the Commission *en banc*;

The Commission orders that:

Oral argument on the issues raised in the hearing herein be had before the Commission, en banc, on September 10, 1942, at 10 a.m., (E. W. T.), in the Hearing Room of the Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C. By the Commission.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 42-7014; Filed, July 23, 1942; 11:12 a. m.]

NATIONAL RAILWAY LABOR PANEL.

DESIGNATION OF EMERGENCY BOARD

Whereas certain disputes have arisen between the following named carriers:

Addison Miller Company.

Alabama, Tennessee & Northern Railroad.

Ashley, Drew & Northern Railway Company.

Atchison Union Depot & Railroad Company.

Atlanta, Birmingham and Coast Railroad Company.

Atlantic & Yadkin Railway Company.

Bangor and Aroostook Railroad Company.

Burlington Refrigerator Express Company.

Canton Railroad Company.

Columbus and Greenville Railway.

Des Moines & Central Iowa Railroad.

Detroit and Mackinac Railway Company.

Fruit Growers Express Company. Georgia & Florida Railroad.

Huntingdon and Broad Top Mountain Railroad & Coal Co.

Lackawanna & Wyoming Valley Railroad Company.

Louisiana & Arkansas Railway. Louisiana and North West Railroad. Market Service Association.

Maryland & Pennsylvania Railroad Company.

Merchants Despatch Transportation Corporation.

Meridian and Bigbee River Railway Company.

Midland Continental Railroad. Minnesota Western Railway Company. Mississippi Central Railroad.

Missouri and Arkansas Railway Company. New Orleans Public Belt Railroad.

New York Dock Railway.

New York, Ontario and Western Rail-

Norfolk Southern Railroad Company. Quanah, Acme & Pacific Railway. Rapid City, Black Hills & Western Railroad.

Western Fruit Express Company. Wichita Falls & Southern Railroad Company.

and certain of their employees represented by the following labor organizations:

International Association of Machinists.

International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America.

International Brotherhood of Blacksmiths, Drop Forgers and Helpers. Sheet Metal Workers' International

Association.
International Brotherhood of Electrical Workers.

Brotherhood Railway Carmen o America.

International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers.

The Order of Railroad Telegraphers. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes.

Brotherhood of Maintenance of Way Employes.

concerning changes in rates of pay, rules, or working conditions, and said disputes have not been adjusted or settled under the provisions of sections 5, 6, 7, 8, and 9 of the Railway Labor Act; and

Whereas the duly authorized representatives of the employees involved in such disputes have notified me of the failure of the parties to adjust the disputes and of their desire to avoid the

taking of strike votes and the setting of strike dates, and whereas the National Mediation Board has not notified the President of a threatened interruption to commerce; and

Whereas in my judgment the disputes are such that if unadjusted, even in the absence of strike votes, they may interfere with the prosecution of the war;

Now, therefore, by virtue of the authority vested in me by Executive Order 0172. I hereby select Walter P. Stacy (Chairman), William H. Spencer, and Edwin E. Witte, members of the National Railway Labor Panel, to serve as an emergency board to investigate such disputes and to report thereon to the President, such Board to commence its investigation in the City of Chicago, Illinois, on Monday, August 10, 1942.

WILLIAM M. LEISERSON, Chairman, National Railway Labor Panel.

JULY 21, 1942.

[F. R. Doc. 42-6991; Filed, July 22, 1942; 2:17 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amendment 3 to Administrative Notice 11]

EXCEPTIONS GRANTED TO MACHINERY MANUFACTURERS 9

During the fall and winter of 1941–1942, when the Office of Price Administration requested manufacturers of a wide variety of machines and parts not to increase prices, such manufacturers were advised that exceptions would be considered where maintenance of requested prices caused undue hardship. A certain number of exceptions have been granted to manufacturers filing applications supported by proper data. A list of these exceptions is contained in Administrative Notice No. 1 and two Amendments thereto.¹

Upon applications duly made by manufacturers, and after consideration of the evidence submitted thereupon, additional exceptions have been granted, some of which were not included in the Administrative Notice by inadvertence and some of which took place subsequent thereto.

Pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered that:

A new paragraph be added to the end of Administrative Notice No. 1 as set forth below.

Exceptions are granted to the manufacturers of machines and parts named, establishing as maximum prices for the specified products the prices set forth, below:

¹⁷ F.R. 2984, 3690, 5453.

Manufacturer	Product	Maximum prices
Hunt-Spiller Manufacturing Corporation Boston, Mass. Leland Electric Co., Dayton, Ohio Cleveland Trencher Co., Cleveland, Ohio. Isolantite, Inc., Belleville, N. J Hammett Electric Manufacturing Co., Kansas City, Mo. Minneapolis-Moline Power Implement Co., Minneapolis, Minn.	Electric high test steel lecomotive pistons for lip-type rings, conventional designs. Electric motors and generators Trenching and pipe-laying machines, accessories and spare parts. Steatite insulation products AC Arc Welders: Stock No. 159	October 1, 1941, prices and use of Optional Dissount Schedule.

The Price Administrator hereby confirms the granting of these exemptions.

Issued this 22d day of July 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-6989; Filed, July 22, 1942; 12:12 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 59-14, 54-19]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM. ET AL.

ORDER DIRECTING LIQUIDATION AND DISSOLU-TION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of July, 1942.

In the matter of International Hydro-Electric System, New England Power As-

No. 145----5

sociation, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Assoclates. Common Voting Trust, and Massachusetts Utilities Associates, respondents.

The Commission having on June 17, 1940 issued its Notice of and Order for Hearing instituting this proceeding pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

Hearings having been held with respect to the issues relating to Respondent, International Hydro-Electric System; Counsel for the Public Utilities Division of the Commission and Counsel for Respondent, International Hydro-Electric System, having waived a trial examiner's report and the right to submit proposed findings of fact, oral arguments and briefs; and

The Commission having examined the records herein and having this day made and filed its Findings and Opinion here-

It is ordered pursuant to section 11 (b) (2) of said Act that International Hydro-Electric System liquidate and dissolve;

It is further ordered, That said International Hydro-Electric System proceed with due diligence to submit to this Commission a plan for its liquidation and dissolution in a manner consistent with the provisions of said Act;

It is further ordered, That before International Hydro-Electric System take any step or action for the purpose of enabling said International Hydro-Electric System to comply with the provisions of this Order, such proposed step or action shall be the subject of an application or declaration to this Commission and the necessary order or orders of ap-

proval be obtained;

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders as may be necessary or appropriate for the purpose of ensuring that the liquidation and dissolution of International Hydro-Electric System be accomplished expeditiously and in a manner consistent with the provisions of said Act;

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders for the purpose of determining what further steps should be taken by International Hydro-Electric System to bring about compliance with the requirements of section 11 (b) (2) of said Act.

By the Commission.

ORVAL L. DUBOIS,

Secretary.

[F. R. Doc. 42-6992; Piled, July 22, 1942; 3:42 p. m.]